

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

Donna Curling, et al.,

Plaintiffs,

CIVIL ACTION FILE

vs.

NO. 1:17-cv-02989-AT

Brad Raffensberger, et
al.,

Defendants.

~~~~~

VIDEO 30(b)(6) DEPOSITION OF  
SECRETARY OF STATE  
THROUGH  
ROBERT GABRIEL STERLING

October 12, 2022  
9:26 a.m.

Suite 3250, One Atlantic Center  
1201 W. Peachtree Street  
Atlanta, Georgia

S. Julie Friedman, CCR-B-1476

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(Original Exhibits 1 through 32 have been  
attached to the original transcript.)

1 Will the court reporter please swear in  
2 the witness.

3 ROBERT GABRIEL STERLING, having been first  
4 duly sworn, was examined and testified as  
5 follows:

6 THE VIDEOGRAPHER: Counsel, you may  
7 proceed.

8 CROSS-EXAMINATION

9 BY MR. CROSS:

10 Q. Good morning, Mr. Sterling.

11 A. Good morning, Mr. Cross.

12 Q. So do you understand your testimony today  
13 as a representative of the Office of the Secretary of  
14 State for Georgia.

15 A. That's my understanding. Yes.

16 Q. And you understand that means that you're  
17 testifying to the knowledge the Secretary's Office  
18 has on a particular topic?

19 A. Yes.

20 Q. Okay. Let me go ahead and hand you the  
21 first exhibit, which is Tab 2, the notice.

22 If you could, share that with everybody  
23 else.

24 A. Is it the same thing here?

25 Q. Yeah.

1 A. Yes. I just took it.

2 Q. Yeah. And is there any reason you cannot  
3 give full and complete testimony today?

4 A. Not that I'm aware of.

5 Q. Okay. And have you ever been convicted of  
6 or charged with any crime?

7 A. No.

8 Q. Okay. All right. Take a look --

9 A. Wait. Do speeding tickets count?

10 Q. No.

11 A. Okay.

12 Q. Those are not crimes.

13 Take a look at Exhibit 1, if you would,  
14 and turn to Page A-4 where it says, "AMENDED TOPICS."

15 A. Yes, sir.

16 Q. And you'll see that there's a topic there,  
17 No. 1; and it continues on to the top of the next  
18 page.

19 And are you prepared to testify to the  
20 knowledge of the Secretary's Office on that topic  
21 today?

22 A. Yes.

23 Q. Okay. Now what did you do to prepare for  
24 your testimony today?

25 A. Interviewed several individuals in the



1 office and -- or -- and people who also left the  
2 office. Pam Jones left the office. Chris Harvey's  
3 left the office. Frances Watson has left the office,  
4 but I did -- I did interview all of them.

5 The current director in this investigation  
6 is our chief investigator, Sara Koth. Josh -- Oh,  
7 what's the last name? Can't think of it. One of our  
8 other investigators who was the main person on the  
9 ground. Blanchard, that's the last name.

10 Let's see. Blake. Talked to Blake Evans.

11 Conferred with counsel.

12 Read over my former -- what do you call  
13 it -- deposition. I read through Chris Harvey's  
14 deposition.

15 I reviewed other documents, including  
16 things from a Channel 11 interview, the video from  
17 The Carter Center.

18 Let's see who else did I interview with.  
19 Ryan Germany in my office. I might have said that  
20 already. I apologize.

21 And generally reviewed my own memory of  
22 some of the stuff since this took place over the last  
23 two years, and I was in a position to really be aware  
24 of or be a part of the decision making process on  
25 most of these -- the situation surrounding Coffee

1 County and any of the other potential items that  
2 might have been -- where access might have been  
3 improperly given to somebody or allegation of -- of  
4 that kind.

5 And I probably spent -- I -- I couldn't  
6 even put a number to how many hours. I think  
7 probably about three weeks' worth of time, depending  
8 on my own time, doing it and doing the interviews and  
9 doing research and re-reviewing the documentation.

10 Q. Did you review any documents beyond your  
11 prior deposition testimony and Mr. Harvey's  
12 deposition testimony?

13 A. Yes.

14 Q. What other docs?

15 A. Should I repeat the ones I already stated  
16 or --

17 Q. No. The only thing I heard from documents  
18 was those two --

19 A. I also --

20 Q. -- last --

21 A. -- looked at the transcript of the Channel  
22 11 interview.

23 Q. Oh, the Channel 11. Okay.

24 A. I looked at the video or part of the video  
25 from my thing at The Carter Center.

1 Q. Okay.

2 A. Let's see. I reviewed e-mails from  
3 different people in and around this. I reviewed  
4 other e-mails from the investigative side; e-mails,  
5 some from discovery from this case and -- and others  
6 as well.

7 I looked over the -- the videos from  
8 Coffee County by Misty Hampton. I looked at her  
9 statement or declaration that she did not commit  
10 voter fraud.

11 I mean, I've -- I'll try to list  
12 everything I can remember right now, but some may be  
13 triggered by some of the questions.

14 Let's see. What else. The adjudication  
15 guide, I reviewed it. I'm not going to say I read  
16 all 80 pages of it, but I reviewed big parts of that,  
17 and that's the Dominion adjudication guide.

18 The adjudication -- I'm sorry. The  
19 Dominion bulletin which everybody telling to keep  
20 your stuff secure and why.

21 The CISA item about different potential  
22 vulnerabilities.

23 Those are the main -- main things come to  
24 mind right now.

25 Q. Okay. The Dominion bulletin about keeping

1 equipment secure, is that the one that went out in  
2 May 2021 regarding Cyber Ninjas?

3 A. I believe it was May 6th, and now that  
4 Cyber Ninjas was part of the impetus behind this.

5 THE COURT REPORTER: I'm sorry. I'm  
6 sorry? I'm sorry.

7 MR. CROSS: You've got to slow down.

8 THE COURT REPORTER: Let's have the  
9 question again.

10 THE WITNESS: Okay.

11 THE COURT REPORTER: And then a pause and  
12 the answer --

13 THE WITNESS: Okay.

14 THE COURT REPORTER: -- please.

15 Q. (By Mr. Cross) The Dominion bulletin  
16 regarding keeping equipment secure, was that the one  
17 that went out on May 6th, 2021 that related, in part,  
18 to Cyber Ninjas?

19 A. Correct.

20 Q. Okay. You said you reviewed a statement  
21 or declaration from Misty Hampton saying she did not  
22 commit voter fraud. Can you describe that for me.

23 A. It was a very short statement, David. I  
24 believe.

25 THE WITNESS: Should I hold up for a

1 second, court reporter, on this?

2 THE COURT REPORTER: Okay.

3 THE WITNESS: Miss Friedman, thank you.

4 THE COURT REPORTER: Yes.

5 THE WITNESS: Now I forgot where I was.

6 If somebody can read back the last section

7 before this.

8 THE COURT REPORTER: No. I can't.

9 THE WITNESS: Okay. Oh.

10 Q. (By Mr. Cross) My question --

11 A. No, no.

12 Q. -- was that -- that you reference a  
13 statement or declaration that Miss Hampton signed  
14 saying she did not commit voter fraud, and my  
15 question was can you tell me what -- about that.

16 A. It was -- I believe it was on her  
17 letterhead. It was dated January 7th, 2021, where  
18 she stated that she would never, have never, and  
19 would not consider committing voter fraud, something  
20 along those -- It was a very declarative statement,  
21 but it was only like two sentences, so that's what  
22 that was.

23 Q. And what was the date of that?

24 A. I believe it was dated January 7th. It  
25 came into the -- the Secretary's Office's possession

1 at the end of January. I want to say January 26th.

2 Q. It was dated January 7, 2021?

3 A. Correct. And it came into the Secretary's  
4 Office possession through Investigator Blanchard on,  
5 I believe, January 26, 2021.

6 MR. TYSON: And, David, now that I  
7 understand what the document is, that is one of  
8 the exhibits to the report of investigation that  
9 would was held based on investigative privilege,  
10 so just to clarify. That's -- That's why you  
11 don't know what that is and haven't seen it  
12 before.

13 MR. CROSS: Okay. I mean, if he reviewed  
14 it for his testimony and relied on it, we'd ask  
15 for production of that.

16 MR. TYSON: Well, let us take a look at  
17 that.

18 MR. CROSS: Okay.

19 MR. TYSON: Maybe we can figure that out.  
20 It's short so --

21 MR. CROSS: Sure. Thanks.

22 Q. (By Mr. Cross) Okay. So that was --  
23 That was a statement that was prepared with respect  
24 to the original SEB 2020-250 investigation in Coffee  
25 County?

1 A. Yes.

2 Q. Okay. Got it. That was not a statement  
3 that concerned the breach allegations that had come  
4 to light later involving January 7th?

5 A. Correct.

6 Q. Okay.

7 A. It was ironically dated that date, but  
8 that was the date she signed it. Now this came  
9 from --

10 Q. Maybe she was busy that day.

11 A. This came from the visit on December 10th,  
12 I believe, of Miss Watson, Pam, and Josh, along with  
13 two Dominion representatives, Scott and Tom Feehan.  
14 Scott's last name escapes me right now.

15 And basically said they would ask her,  
16 well, did you commit any fraud, because this was  
17 related to her videotape where she talked about where  
18 it could it be done; and she -- They requested that  
19 she put that in writing essentially, and that's when  
20 Josh --

21 She had it down there. They were bugging,  
22 pestering her about it; and she finally say I have it  
23 here; and Josh was down there anyway. And we picked  
24 it up on that date.

25 Q. Got it. Okay. I think you said you

1           early summer of late spring of 2022.

2           Q.       (By Mr. Cross)   Okay.

3           A.       But I'm -- I would have to -- I'm not  
4       exactly positive on when I first learned about the  
5       final version of that.   Am I --

6                       We learned they were doing it, I think;  
7       and then I saw the final version, like I said,  
8       sometime a couple months ago, so there was a scope of  
9       window there when they were -- I knew they were  
10      working on it, so obviously, they had to have given  
11      the Halderman report over at some point.

12          Q.       Understood.   Okay.   And that timing in  
13      your mind is sometime around early summer?

14          A.       I think.   Yeah.

15          Q.       Okay.   Did you interview or speak with any  
16      SEB members for the deposition today?

17          A.       No.

18          Q.       What about any Coffee County employees?

19          A.       No.

20          Q.       Anyone on the Board of Elections there?

21          A.       No.

22          Q.       Any of their counsel?

23          A.       No.

24                     Ryan Germany generally talks --   Since he  
25      is our attorney, he talks to their attorney on stuff.



1 Q. Okay.

2 A. Bless you.

3 MR. KNAPP: Excuse me. Thank you.

4 Q. (By Mr. Cross) Did you speak with Jim  
5 Persinger, the State's consultant?

6 A. I have spoken with Jim Persinger about  
7 this, but only on one specific topic surrounding the  
8 Poll Pads.

9 Q. Okay. So what steps, if any, did you take  
10 to educate yourself on the Secretary's Office's  
11 knowledge about any analysis done of the voting  
12 equipment and devices that were taken from Coffee  
13 County?

14 A. The Persinger side, also, I was aware of  
15 the steps that we took when we first learned about it  
16 after the information withheld from us for nearly a  
17 year that there was a potential this happened.

18 When it was brought up in our previous  
19 deposition in late February of '22, went and  
20 discussed it with Ryan Germany; and we then said,  
21 okay, we already have the EMS in our possession  
22 because of the issues surrounding the previous  
23 password issue.

24 Now that being said, it goes into a  
25 longer -- This is a long soap opera kind of thing in

1 Coffee County, obviously; and I -- it -- I don't  
2 know how deep you want to go into all these things.

3 But I mean, we started with that. We  
4 called Dominion. Can you get into this particular  
5 service? I said it's already in our possession, and  
6 we don't know the password. It's difficult to do  
7 that in some ways.

8 So they tried it, and then one of their  
9 employees came down, and on April -- I want to say  
10 April 11th, but it was sometime the week of April  
11 11th on another item and came to --

12 And they tried to get into it working  
13 their team remotely from Denver, and then they tried  
14 another round of that. I believe they tried imaging  
15 it in March. This was March into April and into May  
16 trying, but they were trying to get into it, and they  
17 were unsuccessful in doing so.

18 Then we decided this -- this path isn't  
19 working, and the rationale behind that was we  
20 understood already that some of the players involved  
21 in Coffee County were not necessarily the most honest  
22 in terms of telling us the truth about things.

23 Misty Hampton kind of showed already she  
24 had -- She kind of held some disdain for the system.  
25 Was not a fan of the office.

1 And from my interviews with Frances, Josh,  
2 and Pam and Chris Harvey, there had always been  
3 problems around her. She was very dismissive of any  
4 issues around this situation. Said she wasn't  
5 trained on things, when, in fact, we have records  
6 that she likely had been trained. She had options  
7 and abilities to get trained, 'cause we looked up and  
8 found on items on Firefly, which our communications  
9 system we use with our counties.

10 So we knew it would be difficult and -- to  
11 just go interview people, so it was decided  
12 internally, mainly with Ryan Germany saying, look, we  
13 know these people don't necessarily tell the truth.  
14 We know, you know, Scott Hall, who was -- who -- who  
15 was the one Miss Marks made the recording of, you  
16 know, he signed an affidavit and I believe that  
17 Sidney Powell or the Lin Wood's suit, one of the two.  
18 They all kind of run together at the time.

19 THE COURT REPORTER: All right. Who?  
20 Sidney Powell or --

21 THE WITNESS: Lin Wood, L-I-N W-O-O-D,  
22 lawsuit.

23 So we decided we needed to get binary  
24 things we could prove, so when we questioned  
25 them, we could hold them to account and know

1 they weren't just -- have to follow up later on.  
2 That was the intent of trying to get into the  
3 server first.

4 So, finally, we decided that we have  
5 Persinger, who is there as an expert; and he was  
6 able to get into it; and that's when we  
7 discovered --

8 He took possession of it from our Center  
9 for Elections from Michael Barnes.

10 By the way, I did interview Michael Barnes  
11 as well and Chris Bellew, both from our Center  
12 for Elections.

13 That I think it was right before July 4th  
14 we took possession of it; and then not long  
15 after that, we discovered that somebody had  
16 connected the device on that January 7th date, I  
17 believe.

18 And at that point, we knew, yes, there was  
19 some validity to this that we need to very much  
20 track down; and that started the process, too,  
21 of us understanding, okay, this may be a  
22 discussion that needs to be had with the GBI.

23 So there was some beginning discussions  
24 really starting from June when it first looked  
25 like maybe there was something potentially here,

1 but for sure once we knew Persinger said, yes,  
2 somebody plugged something in that wasn't  
3 appropriate.

4 So those -- those are the main -- Those  
5 are some of the things we did to try to discover  
6 what was done on that front.

7 Q. (By Mr. Cross) Is it important for the  
8 Secretary's Office to provide correct information to  
9 voters regarding elections and election security?

10 A. It's important to give them the best  
11 information they have at any given time. Yes.

12 Q. And -- And to make sure that that  
13 information is correct, right?

14 A. There -- You always want to have the  
15 most -- best information you have and have that be  
16 correct, but that sometimes you have limited  
17 information. And you can sometimes make judgments,  
18 and you can be incorrect, or you can be correct and  
19 to correct it later. That's just human nature; and  
20 the way of the world, unfortunately.

21 Q. All right. Let me hand you Exhibit 2, and  
22 this is Tab 1-A.

23 (Exhibit 2 was marked for identification.)

24 THE WITNESS: Can I give -- put one to the  
25 side now? Are we done with this?

1 Q. (By Mr. Cross) Sure.

2 A. Okay.

3 MR. CROSS: I'll give those to Bruce.

4 THE WITNESS: Okay.

5 Q. (By Mr. Cross) And if you look at Exhibit  
6 2, do you recognize this as an investigative --  
7 excuse me -- an investigative report for the SEB Case  
8 2020, dash, 250?

9 A. Yes.

10 Q. And is this a document you've seen before?

11 A. Yes.

12 Q. And the report is dated September 28th,  
13 2021, right?

14 A. Yes.

15 Q. And there are three different complaints  
16 that are identified in here. Do you see that?

17 A. Yes.

18 Q. The first is a complaint from the Coffee  
19 County Board of Elections that they were unable to  
20 repeatedly duplicate credible election results for  
21 the November of 2020 election.

22 Do you see that?

23 A. Yes.

24 Q. And that complaint proved to be  
25 inaccurate, right?

1           A.       Well, they couldn't do it, because they --  
2       Misty had inappropriately batched her ballots, and  
3       our investigators went down and showed that, so they  
4       did a hand count to show that the election night  
5       reporting results that were reported did match the  
6       actual ballots.

7           Q.       Oh.

8           A.       So they couldn't do it, so that's not  
9       incorrect to say that they -- they -- they were  
10      incorrect in saying we can't certify because of this  
11      issue.

12          Q.       Yeah.   And then the second complaint  
13      involved a YouTube video that showed the Coffee  
14      County elections supervisor Misty Martin discussing  
15      the ways in which the election software could be  
16      manipulated.   Do you see that?

17          A.       Yes.

18          Q.       And one of the things that came to light  
19      was that in that video, there was a password for the  
20      Dominion system that was apparent, right?

21          A.       Yes.   In fact, it was our Investigator  
22      Blanchard who noticed in his reviewing the first  
23      time.   Zoomed in.   Saw that it was the password.

24                   THE COURT REPORTER:   And I'm sorry.

25                   THE WITNESS:   I'm trying.

1 THE COURT REPORTER: I've got to keep up  
2 with you.

3 THE WITNESS: I am doing my best, but I  
4 will continue to try to slow down.

5 Do you want me to repeat the last one  
6 again?

7 It was our Investigator Josh Blanchard who  
8 discovered when reviewing the video that the  
9 password was the password, in fact. It was on a  
10 small yellow Post-it note at the bottom of her  
11 main EMS screen, and that's Election Management  
12 System.

13 Q. (By Mr. Cross) And what was that password  
14 for, what specific equipment?

15 A. I believe just to sign into that EMS  
16 itself.

17 Q. The EMS server?

18 A. Correct.

19 Q. Okay.

20 A. And further from the investigation itself,  
21 it was discovered they only use one password for  
22 their county, when the rule and operating practice is  
23 each individual should have their own password to log  
24 in.

25 Q. To the EMS server?



1 A. Correct.

2 Q. Okay. And then if you look at Complaint 3  
3 in the top the next page, this was a complaint from a  
4 voter concerning an absentee ballot, right?

5 A. Correct.

6 Q. So at the time of the investigative report  
7 that was prepared on September 28, 2021, do I  
8 understand correctly that this investigation did not  
9 involve allegations of unauthorized access to the  
10 system?

11 A. Correct. It was -- It was spurred by two  
12 items, both the video and their claim that they could  
13 not certify.

14 Q. Got it. So --

15 A. And then, obviously, this third one, which  
16 was a specific voter's complaint.

17 Q. So this was a -- a -- a different set of  
18 facts that was being investigated from what came to  
19 light later regarding the unauthorized access on  
20 January 7th; is that fair?

21 A. Correct. But that there was an issue with  
22 this that comes to light, and that Coffee County  
23 like -- So it's kind of a soap opera.

24 Because of the password situation, which  
25 when Frances and the other investigators -- Our

1 chief investigator, Frances Watson, and the other  
2 investigators went to Coffee County. She, at that  
3 point, is my understanding, still had not changed the  
4 password; and they basically directed her to do so,  
5 so they did that.

6 I believe, December 14th was when the --  
7 it was changed in the system.

8 Now going further out from there, Misty  
9 resigned in lieu of being fired -- I believe it was  
10 for falsifying hourly pay wage items -- her and her  
11 daughter and one other person, I believe.

12 The new director came in, James Barnes, so  
13 I want to say that was March or April of '21.

14 Now there were no elections going on after  
15 that, so he had no reason to touch the Election  
16 Management System. Come May of -- of 2021, he tries  
17 to get in using the password that he thought he had.  
18 He couldn't do it. This is late May.

19 So he calls up to the Center for  
20 Elections.

21 Q. Can I just ask you one quick question.

22 A. Yes.

23 Q. The password that he was using, that --  
24 was that the password that had been entered on  
25 December 14 at the direction of the Secretary's

1 Office?

2 A. Apparently not --

3 Q. Was that an issue?

4 A. -- because the password he had was  
5 ineffectively.

6 So I'll get -- I'm going to come around  
7 to answer what you probably are trying to ask.

8 So he couldn't get in, and that was late  
9 May. He calls the Center for Elections and talks to,  
10 I believe, either Chris Bellew or Michael Barnes  
11 directly. I think Michael Barnes on this phone call.  
12 He gives them the password we have on file in our  
13 little system there. It's the same one.

14 He tries it. It doesn't work.

15 So they said okay. We cannot get into the  
16 system right now. So our standard operating  
17 procedure would be if you're going to work on a  
18 system, an EMS, you would take an EMS with you there  
19 in case you can't get in to switch it out.

20 So Chris Bellew drove down there on  
21 June -- I want to say it was 8th. And went in.  
22 Attempted to get in with the password they had and  
23 the password that James Barnes had, and they couldn't  
24 get in, so it was not the password that had been  
25 changed on December 14th.

1 Now we know that password was used,  
2 because they ran the January 5th runoff, and it ran  
3 properly. They reported. Everything went as was  
4 expected.

5 So Misty and the collections of election  
6 workers there had that password and ran the election.  
7 She claimed after the fact that she didn't have the  
8 password, and it hadn't been changed, and she  
9 couldn't even do that. I think at one point she  
10 might have made a claim the State can do it; but, of  
11 course, since the EMS is not connected to the  
12 Internet, we wouldn't have the ability to do that  
13 anyway.

14 So that's where this -- this came in. The  
15 password was changed. It wasn't passed on to the new  
16 employees. It was a claim that there was no change,  
17 which, obviously, through investigation, we  
18 discovered there was and that they'd used the system  
19 properly in the January 5th runoff election. So it  
20 was changed out on that January 8th date, and I  
21 believe even the report --

22 Q. June.

23 A. Sorry. June. Pardon me. Thank you.  
24 June 8th. Thanks for correcting me.

25 It was sometime on -- I believe it was

1 like 4:00 o'clock in the afternoon, 'cause we can  
2 see. They can -- They have a -- a record when they  
3 first set it up, and there's paperwork showing that.

4 I didn't -- I didn't review it, but Chris  
5 Bellew walked me through it in my interview with him,  
6 and Chris Bellew is like the number two person  
7 essentially at the Center for Elections. And he  
8 physically was the one who went to Coffee County for  
9 that purpose.

10 Q. Okay. I don't think we've received any  
11 records or paperwork regarding swapping out the EMS  
12 server other than the logic and accuracy report.

13 A. I think that's -- Well, I believe that's  
14 what it is.

15 Q. Oh, that's what it is. Okay.

16 A. Yes.

17 MR. TYSON: Yeah.

18 THE WITNESS: And it shows the time and  
19 date when they did that.

20 Q. (By Mr. Cross) Got it. Okay. Okay. So  
21 just so I understand, are you saying that Miss  
22 Hampton changed the password on the EMS server on  
23 December 14, which the Secretary's Office had  
24 directed her to do, because it was -- The original  
25 password was -- was publicly released in the video,

1 but then that password was not shared with the  
2 incoming Elections Director James Barnes?

3 A. Yes.

4 It's my understanding, too, that Chris  
5 Harvey had told Miss Hampton to change the password  
6 by phone call after the video was released; and,  
7 apparently, she had not done that, so that is the  
8 reason that the -- that EMS was taken back.

9 There was no indication that there was any  
10 authorized access. This was completely around  
11 something we were aware of already, which was the  
12 video, which, you know, showed the password.

13 Her reticence to do so. She finally did  
14 so, and then did not pass it on to -- to the new  
15 incoming employees.

16 And I could not tell you why she said  
17 that, and I could not tell you why she chose to say  
18 she never changed the password.

19 Now there's one thing we can't show. We  
20 don't know if it was her herself who changed the  
21 password, her -- another employee in the office,  
22 because they didn't follow the rules of having  
23 individualized passwords to do -- to do items for the  
24 log files.

25 Q. When did Miss Hampton say she did change

1 Q. Right. But how do you know what Miss  
2 Hampton meant was that she didn't change it after the  
3 January election as opposed to before?

4 A. Well, no. We were asking her we need the  
5 password to get in.

6 I don't have a password to get in  
7 essentially is what she was saying.

8 I -- I couldn't speak to dates or times  
9 or anything else on those -- on those fronts, and I  
10 think we only saw one change of password in the log  
11 file, and that was at -- on December 14th.

12 Q. Okay. Let me hand you Exhibit 3.

13 A. Are we done with this one? Can I put it  
14 away?

15 Q. No. Hang on to that. We're going to come  
16 back to it.

17 (Exhibit 3 was marked for identification.)

18 Q. (By Mr. Cross) So Exhibit 3 is Tab 5.

19 A. Uh-huh.

20 Q. Do you recognize Exhibit 3 as the password  
21 on the Post-it note on the YouTube video we've been  
22 talking about?

23 A. Yes, sir.

24 Q. Okay. And so that -- The concern the  
25 Secretary's Office had in December of 2020 was that

1 this was the password to the EMS server and that that  
2 was released publicly, and so it needed to be  
3 changed; is that right?

4 A. Correct.

5 Q. Okay. Would it surprise you to learn that  
6 that actually is not and has never been the password  
7 to the EMS server in Coffee County?

8 A. Yes.

9 Q. Would it surprise you to learn that the  
10 EMS server password isn't even that style of  
11 password, the 16-digit alphanumeric?

12 A. I don't know if it would surprise me or  
13 not, but I'm curious as to what that would be a  
14 password for then since it was on the EMS, but --

15 Q. Are you --

16 A. -- I see.

17 Q. -- familiar with the election project  
18 files that go out to the counties --

19 A. Yes.

20 Q. -- when there are elections?

21 THE COURT REPORTER: And --

22 MR. CROSS: Sorry.

23 THE WITNESS: Sorry.

24 Q. (By Mr. Cross) Yeah. Just get that  
25 again. Are you familiar with the election project



1 files that go out to the counties before elections?

2 A. Yes.

3 Q. And are you aware that those election  
4 project files use 16 digit alphanumerics just like  
5 the one in Exhibit 3?

6 A. Yes.

7 Q. Do you know what the basis was that the  
8 Secretary's Office concluded that the password in  
9 Exhibit 3 was for the EMS server as opposed to an  
10 election -- election project file?

11 A. The investigator looked at it. Chris  
12 called her about it. She didn't deny it, so I assume  
13 they thought it was correct.

14 Q. But no one from the Secretary's Office  
15 ever tried to enter that or have anyone in Coffee  
16 County enter that password in the EMS server at the  
17 time to see if it actually accessed the server?

18 A. Not that I'm aware of. Again, this goes  
19 back to in real life Misty Hampton was a difficult  
20 person to deal with. She could have easily said,  
21 guys, this is just this other thing.

22 But, also, she shouldn't have it out  
23 there. Let's be fair.

24 But, secondarily, she never said that.  
25 When she was confronted with it by them, she never

1 said that's what this is so --

2 Q. And for that testimony, you're relying on  
3 interviews with the investigators and Mr. Blanchard?

4 A. Mr. Blanchard is an investigator. Pam  
5 Jones, an investigator; and then Frances Watson was  
6 our chief investigator who went down there, because  
7 we were taking this seriously to say you can't do  
8 these things.

9 And instead of saying this wasn't the  
10 password for that, she just said, well, we didn't --  
11 There's nothing wrong here. I don't understand why  
12 you're here. She was very combative.

13 The county attorney was also in there, and  
14 I talked to him.

15 But from talking to the investigator that  
16 said he was much more interested to hear, well, how  
17 do we move forward --

18 Q. That's right.

19 A. -- how do we move forward in -- in a way  
20 just to get us straight basically.

21 And Miss Hampton was not cooperative. She  
22 was combative. Again, every investigator kind of  
23 agreed on her demeanor and approach to the situation.

24 So, again, if we have a person who was  
25 acting in good faith on this front, they would have

1 said, no, guys. This is something else. Also,  
2 something I shouldn't have publicly available,  
3 because it does provide something you shouldn't have  
4 out in the public, and so that's -- That's where we  
5 stood at that point.

6 Q. All right. Take a look back at Exhibit 2,  
7 if you would, please, the investigative report from  
8 2021.

9 A. What page?

10 Q. Flip to Page 4, please. And here, do you  
11 see the heading in Complaint 2 --

12 A. Yes.

13 Q. -- which involves the YouTube video?

14 A. Yes, sir.

15 Q. Up at top of Page 5, if you look at the  
16 end of the first paragraph, there's a reference to  
17 Supervisor Jones said.

18 Do you see that?

19 A. Yes.

20 Q. That's Pam Jones?

21 A. Yes. Well, yes. 'Cause that was her  
22 position. Yes.

23 Q. All right. And so here it indicates that  
24 Pam Jones said to Miss Hampton and whoever's in this  
25 meeting that the video was misleading, referring to

1 Q. The Secretary's Office is not always  
2 provided correct information about the voting system  
3 breach in Coffee County; is that fair?

4 A. It depends on the time, but at the initial  
5 phases of this, obviously. I mean, even if you put  
6 this in more context, Mr. Blanchard was down there in  
7 January, our investigator; and Misty Hampton did not  
8 say anything untoward or weird or odd or anything had  
9 happened.

10 So yeah. I -- I would say that's a  
11 correct statement. Now we obviously have more  
12 information now.

13 Q. Right. But even just recently, the  
14 Secretary's Office has disseminated information that  
15 did not accurately characterize what happened in  
16 Coffee County, right?

17 A. To what are you referring?

18 Q. Well, you personally did.

19 A. I wouldn't call that recently.

20 The Carter Center, is that what you're  
21 referring to?

22 Q. No.

23 A. Okay.

24 Q. Let me hand you Exhibit 4.

25 ///

1 might have been put on there, so I couldn't say.

2 Q. Well, did you see that in his statement in  
3 the -- the tweet that you re-tweeted, he stated that  
4 the breach, the unauthorized access in Coffee County  
5 lasted only a few hours; and that's why there's not  
6 cause for concern?

7 A. No. I didn't see that part.

8 Q. But that's not an accurate statement.  
9 Right, sir?

10 A. That is correct.

11 Q. In fact, we know from the surveillance  
12 video is that the unauthorized access lasted over a  
13 period of -- of many days and many hours throughout  
14 the month involving a variety of different people?

15 A. Yes. He also said on that particular item  
16 that we have to operate as if they already have all  
17 the source code already. I believe it's the same  
18 thread, but could have been a different thread, so  
19 the length of it has less to do with, I think, from  
20 my point of view and from -- I'm not going to speak  
21 for Mr. Adida here.

22 But I don't believe that's misleading.

23 No.

24 Q. To -- To tell the voters publicly that --  
25 that the unauthorized access in Coffee County lasted

1 only a few hours as opposed to -- five, six -- eight  
2 days?

3 A. Again, I don't find it to be -- That's  
4 when Mr. Adida did, and I didn't necessarily see that  
5 particular thing so --

6 But my point is the underlying part of  
7 that is that he also said we have to act as if they  
8 already have all this information already, so it  
9 doesn't matter if it's eight hours or eight days in  
10 terms of that situation.

11 Q. But -- But even that is directly at odds  
12 with the position that the Secretary's Office has  
13 taken before this breach came to light, right?

14 A. I'm not sure what you mean.

15 Q. Do you recall -- if I can -- I can pull  
16 it up if we need to.

17 Do you recall that Secretary Raffensperger  
18 did an interview where he said that Dr. Halderman's  
19 findings had no value in the real world, because he  
20 got access to the equipment and the software in a way  
21 that would never happen.

22 But now you're saying Mr. Adida says we  
23 should just assume that.

24 A. No. Two different things about this, Mr.  
25 Cross; and I don't want to verbally spar with you.

1 I'll leave it at that for now.

2 Q. Okay. Let me hand you --

3 MR. CROSS: I think this is Exhibit 6?

4 THE VIDEOGRAPHER: Five.

5 MR. CROSS: Five.

6 THE VIDEOGRAPHER: Five.

7 (Exhibit 5 was marked for identification.)

8 Q. (By Mr. Cross) And this is an interview  
9 that I referenced a moment ago that Secretary  
10 Raffensperger gave, I think, in February of this  
11 year, if I remember the -- have the date right, if  
12 you look at --

13 A. Was it --

14 Q. -- the top.

15 A. -- this year, or was it -- It says,  
16 "2/10." But it doesn't have a year on it.

17 Q. Right. It could not have been 2/10 of the  
18 prior year, because it talks about Dr. Halderman and  
19 his report --

20 A. Okay.

21 Q. -- which came out in July of 2021.

22 A. Thank you.

23 Q. So turn to Page 13, if you would.

24 A. (Witness complies with request of  
25 counsel.)

1 Q. If you look down towards the bottom, do  
2 you see Mark Niesse with the AJC asked a question 39  
3 minutes into the interview?

4 A. 39 minutes, 43 seconds --

5 Q. Right.

6 A. -- yes.

7 Q. And then Secretary Raffensperger responds  
8 by saying you're talking about the Halderman report.  
9 And Halderman was given actually the security code,  
10 so he had total access to the equipment; and he had  
11 it for 12 weeks. And he comes back with his points.  
12 He said, well, if you have that kind of access, that  
13 you can change things.

14 And Secretary says, well, Doug, yeah.  
15 Just like the guy that's got to come in and work on  
16 your server, your security system for your house, he  
17 can have all the access codes. Yeah. I guess he can  
18 come back maybe at 2:00 a.m.

19 The question I was asking you was --

20 Well, let me ask you one more foundational  
21 question. Are you aware that the Secretary of  
22 State's Chief Information Officer, Merritt Beaver,  
23 testified in his deposition as a 30(b)(6) witness, as  
24 a corporate rep, that it's critically important to  
25 protect the Dominion software because releasing it



1 provides a roadmap -- that was his word --

2 A. Yeah.

3 Q. -- a roadmap for hacking the system?

4 A. Yes.

5 Q. Do you disagree with that?

6 A. No.

7 Q. Okay. So my question to you is:

8 You're -- You're citing that Adida is saying, well,  
9 we should just assume that bad actors have not just  
10 the software, but the source code, whereas Secretary  
11 Raffensperger is saying no, no. We don't even have  
12 to worry about Dr. Halderman's findings because he  
13 had access to the software. How do you reconcile  
14 those positions?

15 MR. TYSON: I'll object to form.

16 THE WITNESS: Two different ways. Our  
17 office has to run an entire election system, and  
18 that's what Secretary Raffensperger is referring  
19 to in terms of the overall system would still be  
20 safe given these -- this level of access he had.

21 Q. (By Mr. Cross) Uh-huh.

22 A. Coffee County itself had a breach. Part  
23 of the security of our system overall is there's 159  
24 different jurisdictions.

25 And, again, I'm not a technical expert;

1 THE WITNESS: No.

2 THE COURT REPORTER: Oh, geez. I did.

3 I'm so sorry. Okay.

4 THE WITNESS: Wasn't me.

5 Q. (By Mr. Cross) Okay.

6 MR. KNAPP: That's a familiar tune.

7 MR. BROWN: You want to start over?

8 MR. CROSS: Sure.

9 THE VIDEOGRAPHER: Can you repeat that  
10 whole deal.

11 MR. CROSS: I think so.

12 Q. (By Mr. Cross) So in this -- on -- On  
13 this panel that you served on, on April 29th of 2022,  
14 you said, "So we're still dealing with that here, and  
15 we still have to prove negatives in all these cases.  
16 It's similar across the board. But like we had  
17 claims... even recently there was people saying: 'We  
18 went to Coffee County. We imaged everything.'  
19 There's no evidence of any of that. It didn't  
20 happen."

21 Do you see that?

22 A. Yes.

23 Q. How did the Secretary's Office reach the  
24 conclusion as of April of this year that the breach  
25 of the voting system in Coffee County did not happen?

1 MR. TYSON: And I'll object to form. It  
2 was --

3 THE WITNESS: At that point, everything we  
4 saw pointed to the normal misinformation,  
5 disinformation. I mean, having Scott Hall  
6 involved, having Miss Marks be involved, since  
7 we didn't find either of them to be honest,  
8 appropriate, trustworthy on this particular  
9 front, because they both attack our office all  
10 the time. It was --

11 Then if you continue after this, it goes  
12 we had the same kind in Ware County, which  
13 turned out to be nothing.

14 So it was very similar kind of claims  
15 especially around this going back to that same  
16 timeline, and our office also was under the  
17 impression in a general way that if somebody had  
18 done that, if you'd seen the behaviors of the  
19 people involved like the Cyber Ninjas and the  
20 Trump team and Sidney Powells and the Lin Woods,  
21 if they had gotten access, normally that the  
22 modus operandi had been to wave a big red flag.  
23 We got this. We're in here. We're doing those  
24 things.

25 If you go back to the real time, the

1           Let me -- Let me just bring you back to  
2 my question.

3           A.     I -- I'm telling you the answer to the  
4 question, which is we had all the indications that it  
5 looked like every other false claim; and this was  
6 March.

7                   Now we were still investigating, and I  
8 should have put that caveat there, but I felt firm  
9 enough to go like this probably didn't happen.  
10 And -- and nearly every person --

11           Q.     Well, you didn't say probably.

12           A.     Okay. You're right. I just -- I  
13 literally just said I shouldn't have been certain  
14 when I said that. I was wrong; and I've said this  
15 publicly already, that I was wrong on this.

16           Q.     Okay. So my question to you is what  
17 investigation, if any, had been done by the  
18 Secretary's Office or at its direction that -- that  
19 led you to the point where you felt comfortable  
20 saying the breach did not happen?

21           A.     Again, I'm going to repeat myself and what  
22 I just --

23           Q.     I know.

24           A.     -- said, and --

25           Q.     And is it --

1 MR. TYSON: I think you made your point,  
2 and we should start back at the question and  
3 get --

4 MR. BROWN: Yes.

5 MR. TYSON: -- the answer.

6 MR. BROWN: Sorry.

7 Q. (By Mr. Cross) Let's just be clear. The  
8 question is: What investigation, if any, had been  
9 done by the Secretary's Office or at its direction as  
10 of the time that you said publicly in April of 2022  
11 that the breach we now know happened of the voting  
12 system in Coffee County, that it did not happen?

13 A. At that point, we had attempted to get  
14 into the server. We had only a statement from --  
15 what do you call it -- a statement from Scott Hall  
16 and a snippet of a phone call that we'd eventually  
17 gotten ahold of the entire thing by then, and this  
18 was 90 seconds of an overall phone call.

19 We also had the previous investigation,  
20 where none of this had come up.

21 At this point our office was also aware --  
22 or had asked. The question had been asked. Did  
23 anybody -- and this goes back to --

24 You go back to the e-mails from May of  
25 '21.

1 Q. James --

2 A. James.

3 Q. -- Barnes --

4 A. Barnes.

5 Q. -- discussed --

6 A. Sorry.

7 Q. That's good.

8 A. B's and J's.

9 Q. Go ahead.

10 A. James Barnes had discussed with Josh  
11 Blanchard that he had gone to ask every employee and  
12 every board member if anybody had seen anybody come  
13 to work on these things, if somebody from Cyber  
14 Ninjas or anything else; and everybody had said no.

15 They said at that time, too, they were  
16 going in to look into -- that he was going to go to  
17 the IT department -- this is Mr. Barnes -- go to the  
18 IT department to see if he could get Misty's old  
19 e-mails to see if there was any -- any correspondence  
20 with them, and they never came back to us after that.

21 And at that point, we had been left that  
22 there was nothing to investigate. Nothing had  
23 happened here.

24 As I said, this was a long period of time  
25 on these things; and in the public, people have

1 conflated several of these items together, so those  
2 are the things we absolute --

3 We knew we couldn't get in the server yet.  
4 We knew that everybody there had already been asked  
5 about this who you would normally interview anyway.

6 Misty had never brought it up when any of  
7 our investigators were there, so there was -- so  
8 there was no real --

9 And, also, in real time, overstock.com guy  
10 was just sort of like the font all attempts to breach  
11 as sent from the Trump world. Was saying we couldn't  
12 get into Georgia.

13 If you go back to the overstock.com thing  
14 in July, I think is when he said something. It  
15 was -- It was the summer of '21, he had put out.  
16 Basically said, we tried to get into Georgia. We  
17 couldn't, and maybe he was talking about another  
18 area, but that's with all sort of conflated at the  
19 same time.

20 I remember in my gut at the time. I said  
21 he's probably referring to Ware County, because that  
22 was one claim we had had on those things.

23 Q. So let's break that down a little bit.

24 You -- You said that there was no evidence of any  
25 potential unauthorized access in Coffee County as of

1 April of this year other than the snippet of a call  
2 between Mr. Hall and Miss Marks.

3 But that's not true, is it, sir?

4 A. I don't believe the business card's  
5 evidence of breach.

6 Q. But, well, let's look at it.

7 A. But we investigated that.

8 Q. Whoa, whoa.

9 A. Sorry. No. Hold on.

10 Q. Because Frances Watson and Chris Harvey  
11 fundamentally disagreed with you. So did James  
12 Barnes. Right.

13 Are you aware of that?

14 A. David, if you're going to frame a question  
15 that way -- And I don't want to argue. I want to be  
16 able to answer.

17 My point was they looked into it, and they  
18 found nothing to investigate as they interviewed  
19 everybody and said that, yes, they think it was  
20 something concerning. They all agree it's something  
21 concerning.

22 They looked into it, and a business card  
23 by itself doesn't do that.

24 If you look at the exhibits, they -- they  
25 had James Barnes go ask every person -- Did anybody



1 see this?

2 No.

3 Are you aware of anything along these  
4 lines?

5 No.

6 Where do you go at that point on those  
7 fronts?

8 Q. Well, that's a great question, Mr.  
9 Sterling. Did --

10 A. Oh, one of -- one of --

11 Q. You were dealing --

12 A. -- the things --

13 Q. Well, let me answer your question.

14 A. Go ahead.

15 Q. You -- You were dealing with a county  
16 that you had already found was unreliable where you  
17 had an open investigation, a rogue county that  
18 included members of the Coffee County Election Board  
19 like Eric Chaney, right?

20 A. Yes.

21 Q. Okay. So the Secretary's Office conducted  
22 an investigation in May of 2021 relying, as I  
23 understand it, largely, if not entirely on feedback  
24 from a county where it already knew that members of  
25 the Coffee County Election Board that were still

1 there were not reliable people. That's how you  
2 reached the conclusion that this didn't happen was  
3 you -- you asked the County, and the County that you  
4 already said you couldn't trust.

5 A. I didn't say --

6 Q. And they said we didn't do it.

7 A. Misty was the one we said we couldn't  
8 definitely trust at all, because she had been  
9 misleading already, obviously.

10 The secondary part of this, too, if I  
11 remember correctly, it was discussed -- and this is  
12 one of those things where it's not within a report;  
13 this just kind of came up -- that Mr. Barnes was  
14 going to try to pull the security tapes.  
15 Unfortunately, this is where a left hand and a right  
16 hand didn't seem to know which -- what each other  
17 were doing.

18 He went to ask for the tapes around that  
19 period of time. They were no longer in the security  
20 system on that side. Unbeknownst to him, as I  
21 understand it, Misty Hampton had done an ORR for  
22 those tapes, I guess, to try to prove her innocence  
23 on the question of the hourly timing of her -- I  
24 don't know. I can't -- as to why she did a ORR at  
25 that period of time. But they existed in another

1           He went to them and said, well, we did --  
2       That's all been deleted by now.

3           He was unaware that Misty Hampton had done  
4       an ORR. Because like I said, the left hand and right  
5       hand didn't know what they were doing.

6           So even if we had gone to ask them, we  
7       would have gone through James Barnes, who would have  
8       gone to the County and perhaps gone to the county  
9       attorney; but that's a hypothetical at this point,  
10      because he said it doesn't exist.

11          Q.     Wait. But you guys are the -- are --  
12      are --

13           You're the Secretary's Office. You have  
14      law enforcement authority to conduct an investigation  
15      into election security breaches, right?

16          A.     Potential ones, yes.

17          Q.     Okay. Why in the world would you rely on  
18      James Barnes, who was brand new to the office,  
19      instead of sending your investigator yourself to find  
20      out whether that surveillance video existed?

21           Wouldn't that be the normal course of a --  
22      of a -- of a sound investigation?

23          A.     If the person who --

24           MR. TYSON: Object to form.

25           THE WITNESS: If the person who reported

1 it is dealing with their own internal people and  
2 says the stuff you need doesn't exist, no.  
3 Normally, you would not send somebody at that  
4 point. No. That doesn't make any sense.

5 We're going to not take your -- not --  
6 You're new to this. You reported this. Now we  
7 think you're going to try to cover it up, and  
8 we're going to go deeper into it?

9 Q. No, no. I'm not suggesting that. I --  
10 I'm -- I'm asking a very different question.

11 James Barnes is brand new to the office at  
12 this point. He's been there about five to six weeks,  
13 right?

14 A. Correct.

15 Q. Okay. Instead of relying on someone brand  
16 new to the office, no background there whatsoever,  
17 why not send your investigator down to speak with the  
18 members of the election board with people like Tracie  
19 Vickers and others who -- who have a lot more  
20 history and a lot more background on what might have  
21 happened?

22 A. Because the gentleman who reported it  
23 says, I've looked. I'm asking this. Nobody's seen  
24 anything. We have no evidence. We've asked for  
25 videotapes. They don't exist.

1 these kinds of claims everywhere; and, again, we were  
2 trying to get into -- Actually, it's a different  
3 time. I apologize.

4 This looked like another one of those many  
5 claims that there was nothing there, and somebody  
6 might have tried to do something, but there's no  
7 evidence that was coming to the surface that would  
8 rise to that point.

9 And we had the videotape, and we had them  
10 claiming they couldn't do certification. We sent the  
11 chief of investigations in there, 'cause there was  
12 actual stuff we could that was wrong.

13 Having a business card, then following up  
14 and asking -- asking the questions. Let's look into  
15 your IT. Is there any communications? No. Is there  
16 any of this? No.

17 You don't then expend resources on things  
18 where it looks like this is a dead end. That's not  
19 what you do and --

20 Q. In a -- In a county that you already have  
21 identified through an open investigation was not a  
22 reliable county. A county that literally had held up  
23 the presidential election, because they refused to  
24 certify election results, you -- you -- you guys  
25 thought that that was a reliable county to just

1 simply say, well, they say it didn't happen; and they  
2 don't have video so that's the end of that?

3 A. It's not --

4 MR. TYSON: Object to form.

5 THE WITNESS: It's not they said it didn't  
6 that. We handed to our investigators. The  
7 investigators, who are the law enforcement  
8 people, make those decisions; and they basically  
9 said there's nothing there. We're moving on to  
10 the next thing.

11 I mean, it's not like, again, with  
12 hindsight being 20-20, yes. You should go in to  
13 go deeper on some of those things; but if we had  
14 to spend resources on every single one of these  
15 claims in a gajillion (ph.) ways in this  
16 state --

17 I mean, I'm going to give you an example  
18 just to put it in perspective for everything.  
19 There was a claim of pristine ballots in Fulton  
20 County. I think we're all aware of that claim.  
21 It was supposed to be in a particular batch. We  
22 had -- We sent two investigators down to that  
23 batch. They went through all of them. I think  
24 it was 20 man-hours, and they came back and said  
25 there's nothing there.

1           They went back to the complainant, who  
2           said, well, maybe there's a different batch.  
3           It's this batch number. It was a batch number  
4           that didn't exist. At that point, we were done.

5           My point is we expended resources and  
6           time. You have to triage these things; and,  
7           again, hindsight being 20-20, we now know a lot  
8           more than we did then, and we know a lot more  
9           than we did then, in part, because of what y'all  
10          were able to get the ORRs, so that's where we  
11          stood. That's where we stood at this time.

12          Q.       (By Mr. Cross) The situation we're  
13          talking about is one where it was publicly known that  
14          Cyber Ninjas was trying to get access to voting  
15          equipment across the country. The Dominion alert  
16          went out literally the day before, which is what  
17          prompted Mr. Barnes's e-mail, right?

18          A.       Correct.

19          Q.       Okay. You also had an election management  
20          server, an EMS server that you couldn't even access.  
21          That didn't raise any red flags?

22          A.       That's not --

23                   MR. TYSON: I'll object to form.

24                   THE WITNESS: As I stated before, we knew  
25                   the history of that. We understood the history

1 of that. We knew what had happened essentially.

2 We -- we -- Or we had good assumptions to what

3 had happened.

4 Misty was gone. The EMS was changed out.

5 The bad -- The not-good-at-her-job elections

6 director was no longer there, so those were --

7 that was not -- We would not have put those

8 together. No. Because they're not related.

9 As you can see, we now know -- If you  
10 want to go back into 2020, we know that password  
11 was changed on December 14th, well before the  
12 January 7th unauthorized access, so they're  
13 unrelated items.

14 Q. (By Mr. Cross) Well, but you now know  
15 they're unrelated items, because you've had access to  
16 the server and seen that people had access to it.

17 A. No. I do not know that. They're --  
18 They're not -- They're unrelated items mainly  
19 because it -- they --

20 It was changed out, because the password  
21 was changed. The password was changed before the  
22 unauthorized access. That makes them unrelated.

23 Now it's -- It's now a piece of evidence  
24 that the unauthorized access occurred, but the reason  
25 we had it had nothing to do with the unauthorized



1 access. So no. You wouldn't just -- your brain  
2 would not jump -- No normal process of -- of logic  
3 would jump to that.

4 Q. But let me just ask you candidly, Mr.  
5 Sterling. Do you -- Do you understand how a third  
6 party looking at this says --

7 A. Hold on one second.  
8 I apologize, Mr. Cross.

9 Q. It's okay.

10 Do you -- Do you understand how a third  
11 party looking at this set of circumstances might  
12 wonder in good faith whether the Secretary's Office  
13 just didn't want to know the answer, because it would  
14 be politically embarrassing to have to disclose that  
15 a system that the Secretary had claimed cannot be  
16 breached had been breached at an extraordinary level?  
17 Do you understand how that might be a good  
18 faith belief that reasonable people might take?

19 A. No.

20 MR. TYSON: And I'll -- I'll object to  
21 form here. This is outside what the Secretary's  
22 Office knows. We're now asking about what  
23 reasonable people might think.

24 Q. (By Mr. Cross) You don't think that that  
25 would be a reasonable view that anybody could take?

1 MR. TYSON: The same objection.

2 THE WITNESS: No. And let me tell you  
3 why.

4 Q. (By Mr. Cross) Okay.

5 A. Our office was wildly transparent. We  
6 investigated and traced down things left and right.  
7 We brought in the SEB. We literally stood up to the  
8 President of the United States trying to pressure us  
9 to do things, and yes. It would be embarrassing.

10 But let me tell you how this office  
11 manages problems like this. You get ahead of them,  
12 you disclose them, and then you address them. Hiding  
13 things was -- was not a good thing to do.

14 It's better to admit every system,  
15 regardless of the system, if there is a bad actor who  
16 allows a -- a unauthorized access to any system is a  
17 problem. It is a security problem. It is a legal  
18 problem. It undermines people's faith in the  
19 systems, and we get that. That's why the people who  
20 did this need to be held accountable.

21 And if we had known then, if we -- if we  
22 had known earlier, we would have acted differently  
23 more than likely and been able to do different  
24 things.

25 But the situation is we didn't. Again,

1 knowing the level that we thought the likelihood of  
2 this was, we never stopped the investigation. We  
3 kept on trying to get into that server until we  
4 advised that, okay, what we're doing isn't working.  
5 And then we finally said, okay. Let's get to  
6 Persinger, who seems to have an expertise in this.  
7 We never stopped investigating once it became -- we  
8 became aware of it.

9 So in the second we discovered it, I mean,  
10 frankly, I was pissed, 'cause Misty broke the law;  
11 and people did things that were stupid and dumb; and  
12 again, hindsight, of course, we can look back and  
13 say, wow, I really wish we'd dug further into that,  
14 knowing what we know now. But we didn't know what we  
15 know now.

16 Q. But, Mr. Sterling, you said that the  
17 Office has been transparent about this. But the  
18 Office has given a lot of inconsistent information  
19 about what it did, when it did it, and what it knew,  
20 right?

21 MR. TYSON: Object to form.

22 THE WITNESS: I would say there have been  
23 misstatements and conflated items and bad  
24 questioning and bad answering.

25 And like I said earlier, it's been sort of

1 a soap opera with Coffee County, so it's easy  
2 for people to get tripped up on their own words  
3 and their own timeline when they're hearing  
4 questions a certain way.

5 Q. (By Mr. Cross) But the Secretary himself  
6 gave an interview just recently where he stated that  
7 the Office began investigating these allegations very  
8 soon after the breach happened, right?

9 A. Yes. And he was wrong.

10 Q. Right. Okay. And -- And what's the  
11 basis for your testimony that he was wrong about  
12 that?

13 A. Okay. 'Cause I've had discussions with  
14 Secretary about this interview; because when I saw  
15 the interview, I was, from my point, rightfully  
16 irritated for two reasons.

17 One it was supposed to be exclusively an  
18 interview about the action, so Mr. Richards, the  
19 journalist sort of, for lack of a word, ambushed him;  
20 so the Secretary wasn't briefed on any kind of  
21 timelines we knew at that point or anything.

22 And the secondary thing I was irritated  
23 about was, normally, the Secretary answers with it's  
24 under investigation. He was hearing the question of  
25 like the stuff from back in December, and we did

1 interview and then follow-up in the Secretary's  
2 Office, conflicting information was given on when  
3 this investigation occurred. Right.

4 So he said it was very soon after. I get  
5 your testimony that --

6 A. Uh-huh.

7 Q. -- that -- he was talking about the  
8 original investigation.

9 A. Yeah.

10 Q. But within minutes of answering on that,  
11 according to the station, an aide to Raffensperger  
12 corrected the Secretary of State's response off  
13 camera and offered May of 2021 as the correct date.

14 A. Right.

15 Q. Then --

16 A. And that was wrong. That was Mike  
17 Hassinger. He's new to the office, and he got '21  
18 and '22 confused.

19 Q. Help me understand. Why is that wrong?  
20 We -- We have just spent several minutes talking  
21 about the investigation that, in fact, was done in  
22 May of 2021 --

23 A. Because we're talk --

24 Q. -- hold on -- hold on -- into a potential  
25 compromise. Well, Chris Harvey himself said --

1 A. Uh-huh.

2 Q. -- there might be a compromise in the  
3 voting equipment. We need to look into that.

4 So May 2021 is, in fact, the correct date  
5 of when this investigation first began, based on what  
6 we have, right?

7 A. There's two different things about this.  
8 There's the investigation number that was assigned  
9 that was given in December. It's got to be a new --

10 THE COURT REPORTER: I -- I'm sorry.

11 There's an investigation --

12 THE WITNESS: Number that's been assigned.  
13 It was going back. This is where I say this is  
14 confusing. The intent, I believe, Mr. Hassinger  
15 was trying to talk about. He didn't know about  
16 those e-mails yet. They didn't -- we hadn't --  
17 We hadn't found them on our end yet about the  
18 back-and-forth.

19 Q. (By Mr. Cross) So what was he talking  
20 about for May?

21 A. He was talking about 2022 is when we were  
22 able to hand over --

23 Again, his dates were just wrong. I don't  
24 know why he said that, that date. He was just wrong.  
25 He's new to the office. He was standing right there.

1 I found out about it after the fact. I  
2 yelled at him. I said, "You gave him the wrong dates  
3 for when we kicked off the -- the secondary  
4 investigation, Mike."

5 Q. Can I just clarify. Are you saying he --  
6 he meant to say May of 2022?

7 A. I don't know what he meant to say. It was  
8 just wrong. I said --

9 Okay. He said, "Well, that's what I  
10 thought."

11 I was like, "Well, no. It's not, Mike."

12 So I -- I had a lot of yelling that day.

13 Q. I guess what I'm getting hung up on, Mr.  
14 Sterling, is why is it wrong to say that the  
15 Secretary's Office was investigating a potential  
16 compromise of the Coffee County election equipment as  
17 of May of 2021, when we have now spent quite some  
18 time looking at e-mails showing that that actually  
19 did happen?

20 A. Except what you're talking about -- here's  
21 the thing -- from my point of view and what he was  
22 thinking are two separate things.

23 Q. All right.

24 A. This -- now -- now -- Now you want me to  
25 answer the question. I'm answering your question,

1 of thing.

2 Q. Okay. So come back to Exhibit 7, the  
3 Frances Watson --

4 A. Yes, sir.

5 Q. -- e-mail thread. We do not have from the  
6 State that we've seen any further communications,  
7 e-mails, documents of any type regarding this  
8 investigation beyond Miss Watson's May 11th e-mail.

9 A. Correct.

10 Q. Okay. So do I understand correctly that  
11 the investigation into the Cyber Ninjas' potential  
12 access in Coffee County, that that ended or paused?

13 It -- It didn't go any -- any further  
14 than what's reflected in Exhibit 7, because the  
15 feedback from Mr. Barnes was we've not found any  
16 indication of an unauthorized access?

17 A. That, plus the -- He was going to go to  
18 the IT and see. Since we never heard back, there  
19 was, I think, an assumption made of, well, we didn't  
20 find anything there; and I know there was a  
21 conversation. Of course, my understanding of the  
22 conversation, which it will be --

23 We asked for videos, and the security team  
24 says they don't have them for this period of time;  
25 and, again, that was the right hand, left hand thing,



1 not knowing what they were doing.

2 Q. So when a representative of the  
3 Secretary's Office told 11 Alive, the local news  
4 station, that the Office did not know about or begin  
5 investigating Coffee County until -- until July of  
6 2022, that's -- that's not an accurate statement,  
7 right, 'cause the --

8 A. David --

9 Q. -- Office itself was investigating this in  
10 May of 2021.

11 A. Two separate investigations based on two  
12 different sets of information.

13 Q. I get that -- I get it.

14 A. So you're choosing to put them together.  
15 We're viewing it as two separate entities. This is  
16 a -- It's a different way of looking at it, I  
17 suppose.

18 You're right. Our office did look at it.  
19 There was nothing to pursue that they could see at  
20 that time from the evidence they had as a  
21 professional, POST-certified law enforcement  
22 investigators.

23 Now we have extra information that came,  
24 because we had Mr. Persinger able to get into the  
25 system. We see, yes, there actually was an outside

1 device that was plugged in. At that point, it took a  
2 different direction.

3 Again, I keep saying this. Hindsight is  
4 20-20, and we never stopped the investigation once  
5 the claim was made to us, I guess, at the end of  
6 February. When we got the snippet of Miss Marks's  
7 recording.

8 So we started to try to do it then with --  
9 with Dominion, with the resources we had; and part of  
10 it was, you know, frankly, dollar bills. How -- how  
11 are we going to pay? How are we going to afford to  
12 get into this, and what can we do.

13 And that's, I think, June. I said okay.  
14 We need to get Persinger to try to get into this.  
15 We've -- We've got to figure out binarily one way or  
16 the other did anything like that happen; and because  
17 we figured out we -- that Persinger might have the  
18 skill set to do that.

19 I didn't know Persinger existed for a  
20 period of time until probably May or June so -- of  
21 '22. Probably need to make that clear.

22 Q. Mr. Sterling, I -- I get that -- that the  
23 Secretary's Office has what you're characterizing as  
24 a different investigation now into the unauthorized  
25 access at Coffee County.

1 But there's a very specific statement that  
2 was made by the Secretary's Office, which was the  
3 Office, not just you or Mr. Hassinger or anyone else,  
4 that the Office did not know about or begin  
5 investigating Coffee County until July 2022 with  
6 respect to a potential unauthorized access. That's  
7 not an accurate statement, right?

8 There -- The Secretary's Office had  
9 multiple investigators on that in May of 2021.

10 A. And let's remember it was --

11 Q. Isn't that right?

12 A. Okay.

13 Q. Yes or no?

14 A. I'm going to say yes on this.

15 But let's remember something. We knew  
16 about SullivanStrickler before we knew about Cyber  
17 Ninjas, obviously; and, again, thanks, in part, to  
18 this case. I get that.

19 The point is it's two different things in  
20 the way we're looking at it. I can even concede the  
21 point. Yes. You're right. Our office was looking  
22 at a Cyber Ninja potential thing, and there no --  
23 nothing -- No evidentiary items that allowed us to  
24 say, yes, we should go dig deeper on that. Again,  
25 hindsight being 20-20, it doesn't.

1           So I'm not going to say that -- They're  
2   not the same investigation. They're tied together  
3   the same way that, I guess, you're trying to conflate  
4   the server issue to this. In hindsight, you can say  
5   yes. There might -- Might give you some pause on  
6   that, but you --

7           In the real time, with the environment  
8   that we were in, no. It didn't seem that way, and  
9   that's -- And we've treated as two different kinds  
10   of things, 'cause, obviously, we have a lot more  
11   information now that we've gotten into that server  
12   and that EMS.

13          Q.     Well, and let me follow up on that, 'cause  
14   I want to make sure we're on the same page on that.

15                 You say you've treated it as two different  
16   things. It's different investigations.

17          A.     Uh-huh.

18          Q.     But the representations made to us and the  
19   Court repeatedly was that this was all the same  
20   investigation, that, in fact, the investigation  
21   that's happened this year into the unauthorized  
22   access of -- of the voting system in Coffee County  
23   was all part of the original SEB 2020, dash, 250 as a  
24   single investigation.

25          A.     Because they reopened the case there.

1 That case number was easy to get from the SharePoint  
2 system to do it that way.

3 Q. But --

4 A. I -- Yeah.

5 Q. -- doesn't that mean they're separate  
6 investigations?

7 A. But hold on. I'm --

8 You're talking in two different realms.  
9 You have legal world and SOS world. I'm talking  
10 about that particular interview is for the public and  
11 everything, 'cause they were two very different kinds  
12 of things.

13 One, we have a lot more evidence and a lot  
14 more situational awareness now than we did in the May  
15 turn; and then, obviously, going back, if you look  
16 back in January, if someone had said something to us  
17 then, who was down there. I mean, we had an  
18 investigator in the room. They're talking to Misty  
19 getting that statement.

20 I'm going to say this again. Hindsight's  
21 20-20. This is all part of the same ark of problems;  
22 and we use that investigation number, 'cause it was a  
23 easy thing to do to -- to put it in that same  
24 investigation number.

25 I think there's a new investigation number

1 about here with these so --

2 THE WITNESS: So like --

3 MR. TYSON: And I don't need to --

4 THE WITNESS: Okay.

5 MR. TYSON: I'm just trying to help  
6 clarify for him. He can ask you questions --

7 THE WITNESS: Okay.

8 MR. TYSON: -- about that.

9 Q. (By Mr. Cross) One of the things that  
10 Secretary Raffensperger mentioned in the interview  
11 we're talking about was he -- he suggested there was  
12 testimony before a grand jury related to this that  
13 was not truthful.

14 Do you know what that was about?

15 A. I think he was -- Not in front of the  
16 grand jury. I think he was referring to the State  
17 Senate Committee.

18 Q. 'Cause he said grand jury.

19 A. I know he did.

20 Q. Okay.

21 A. Again --

22 Q. He was just mistaken?

23 A. Well, let me rephrase my frustration with  
24 the Secretary after this interview.

25 Yes. He was mistaken. He was --

1 Q. Okay.

2 A. -- just putting those together so --

3 Q. So there has not been a grand jury  
4 convened by the State to investigate unauthorized  
5 access of -- of the voting system?

6 A. Not that I'm aware of.

7 Then, I mean, just to build on that, I  
8 believe in context that was Misty who testified to  
9 the State Senate Committee, the same one that Rudy  
10 Giuliani and those guys --

11 Q. Uh-huh.

12 A. -- went to.

13 Q. So fast-forwarding from 2021, February of  
14 2022 is when the Secretary's Office gets the snippet  
15 of the call with Miss Marks and Mr. Hall?

16 A. Correct.

17 Q. Okay. And then that gets shared with Ryan  
18 Germany, who calls for an investigation into those  
19 allegations, right?

20 A. Yes. I think we didn't do that. I'm not  
21 sure of the time of this. I've had a discussion  
22 about it, but I don't know if we did an investigation  
23 until we got the full audio of the full tape. I'm  
24 not sure of the timing on that. Would have been  
25 around -- It would have been kind of back-to-back,

1 so it would have been the same. Within a week or  
2 two, I think, of that's when we -- when it was all  
3 produced.

4 Q. Right. Ryan --

5 A. He was the one, though, who -- who said  
6 yes. Let's open something on this.

7 Q. Yeah. Mr. Germany called for an  
8 investigation into this in March of that year, right?

9 A. Correct. And it -- Like I said, I don't  
10 know if it predated us getting the full -- full audio  
11 or postdated it, but it was -- They were all  
12 within --

13 Q. Sure.

14 A. -- you know, a week or two of each other,  
15 I believe.

16 Q. Okay. So now we're in a timeframe where  
17 you've got the investigation -- we can say with a  
18 little "i," if you want -- from May of 2021 involving  
19 Cyber Ninjas.

20 A. Uh-huh.

21 Q. You've now got the call where Mr. Hall  
22 says they imaged everything.

23 A. Uh-huh.

24 Q. You've got the EMS server and the ICC in  
25 your possession. You've now got an investigation



1 opened into these allegations.

2 Why didn't the Secretary's Office at that  
3 point obtain the surveillance video that we, the  
4 Plaintiffs, later had to obtain months later? Why  
5 did it -- Why did we have to get that?

6 A. I think, step one, we had decided kind of  
7 internally was we wanted to get into the server first  
8 to see what time this all -- so we could go back and  
9 have binary questions we could ask the individuals.

10 Bob Guessum (ph.)?

11 MR. CROSS: Bruce, you mean?

12 THE WITNESS: Bruce. Sorry.

13 Q. (By Mr. Cross) Go ahead. Go.

14 A. I have a problem. When I hear people  
15 talking, I tend to try to listen; and it throws me  
16 off.

17 MR. BROWN: Okay.

18 THE WITNESS: My problem not yours.

19 So Ryan and the chief investigator said  
20 let's get into the server first before we start  
21 trying to go down, start interviewing people who  
22 we know. Like Misty testified. You're not  
23 going to get good stuff out of them, so let's  
24 get -- Let's get the actual evidence first and  
25 see if something happened, so we start trying to

1 drop box. It was in the front section of that.  
2 I believe that's why that one was placed on the  
3 outside door.

4 Q. (By Mr. Cross) So the -- the GBI was not  
5 called in to investigate until August of this year,  
6 right?

7 A. The official request made in August. I  
8 think the initial discussions with Steven Ellis were  
9 at the end of June, early July. And it definitely  
10 kicked up after we discovered that there was a device  
11 that was plugged in.

12 Q. Which was when?

13 A. After July 4th. So July 6th or 7th, I  
14 think is when we became aware of that, give or take.

15 Q. Okay.

16 A. So then Steven kicked up -- he's -- He's  
17 basically the person who talks to the GBI. He's our  
18 deputy general counsel and elections counsel, Steven  
19 Ellis.

20 And then they have discussions on how do  
21 we do this. Well, you've got to figure out  
22 parameters. We'll go start lining up people. At  
23 some point, you guys send an official letter. So  
24 that was kind of how it all went through.

25 Q. As of August of this year, no one for the

1 State had conducted any interviews of anyone involved  
2 in the unauthorized access of the voting system in  
3 Coffee County, right?

4 A. Direct interviews other than with James --  
5 James Barnes because he said he had talked to people,  
6 and they said that it had happened in May.

7 Separately from this, as I said, it was an  
8 investigative decision to get hard binary evidence  
9 first, and we were working on a plan to  
10 essentially -- because of the timing of this, we were  
11 getting ready to send down our investigators with  
12 Steven Ellis to like -- As an example, they were  
13 going to go the pizza place that she had said she had  
14 bought pizza for to see do they have credit card  
15 receipts.

16 And we were looking for binary things that  
17 could go to saying the credibility is -- is proper  
18 for this witness, or it's not. We can impeach them  
19 or say they did know or they didn't know. We were  
20 trying to get those facts, and that was -- And  
21 that's an investigatory decision that was made  
22 starting in March. We had to get into this first  
23 before we interview anybody so that we can have more  
24 information than they do basically was kind of --

25 Q. (By Mr. Cross) Who --

1 A. -- the plan.

2 Ryan Germany --

3 MR. TYSON: Okay.

4 MR. CROSS: -- was the main person.

5 MR. TYSON: Slow down, if you can.

6 THE WITNESS: Sorry.

7 Q. (By Mr. Cross) Who -- Who made that  
8 investigative decision?

9 A. Ryan Germany.

10 Q. Okay. And you said a number of times that  
11 the Secretary's Office did not have access to the EMS  
12 server, because of the password change; is that  
13 right?

14 A. Correct.

15 Q. But that's -- Are you aware that's not  
16 accurate?

17 A. And --

18 Q. Let -- Let me --

19 A. No.

20 Q. -- ask it this way.

21 Are -- Are you aware that the data that  
22 sits on -- on an EMS server is not encrypted?

23 A. No. I'm not.

24 Q. Okay. So are --

25 A. Let me say this. We couldn't get into the

1 EMS server itself to look at it and get to the log  
2 files is my understanding without that password.

3 Q. Right.

4 A. That -- That was the issue. We couldn't  
5 get to see what is there. I think and -- Again, I  
6 think Dominion attempted to image it; and they  
7 couldn't come to any conclusions on it until we get  
8 to Mr. Persinger, and he was able to do all the  
9 proper things, 'cause that's his job. He knows how  
10 to do those items.

11 Q. Dominion tried to image it in April,  
12 right?

13 A. I believe it was April. Yeah. April --

14 Q. April?

15 A. The third week of April, so seven -- They  
16 first came down the 11th, and I think they came back  
17 the following week.

18 Q. Right.

19 A. It was somewhere in that time range, yes,  
20 of '22.

21 Q. They tried to image the server, and they  
22 could not?

23 A. There was an issue with that, I believe.  
24 Yes.

25 Q. So but are you aware that because the --

1 the data that sits on the -- the Dominion EMS server  
2 is unencrypted, a simple way to access that data is  
3 just simply to take a forensic image, put that on a  
4 new device, and you no longer need a password to  
5 access it. Were you aware of that?

6 A. I was not aware of that, and I don't  
7 believe that Dominion viewed it that way. I think  
8 they wanted to get into it, so they could do --

9 We -- We understood what we were trying  
10 to do. We are trying to get to those log files, and  
11 they were telling us they couldn't see a way to get  
12 to those log files; and it was our understanding that  
13 without the password, we couldn't do that.

14 Q. And -- And we all agree that it's  
15 important to preserve whatever data, the log files  
16 and other things, that are on that original EMS  
17 server, right?

18 A. Correct.

19 Q. And that server is part of an ongoing  
20 criminal investigation?

21 A. Correct.

22 Q. And -- And did the Secretary's Office  
23 takes steps to preserve the data on the original EMS  
24 server?

25 A. By trying to image it and keep it. I

1 mean, we couldn't even get into it to do anything  
2 extra -- to image it, take anything off, or molest it  
3 in any way. So the fact that we couldn't get into it  
4 kind of preserved in its natural state from when it  
5 was picked up originally.

6 Q. Why didn't the Secretary's Office bring in  
7 someone like Fortalice, which Mr. Beaver testified is  
8 essentially serving as the CISO, the chief  
9 information security officer. What --

10 If Dominion couldn't get in and you  
11 couldn't get in yourself, why not bring in Fortalice  
12 or someone early on?

13 A. Actually, he's not the CISO. He's the  
14 CIO.

15 Q. No. Beaver is. But Mr. Beaver testified  
16 in his --

17 A. Oh, okay.

18 Q. -- deposition that Fortalice is serving in  
19 that CISO role.

20 A. To a degree. I think there's a question  
21 of time and cost, basically. I don't think -- it  
22 didn't -- Wasn't actually said, hey, we're not going  
23 to do it because of that.

24 Let's -- Let's go through Dominion first.

25 And then we said, well, we've got this

1 other person over here who might be better suited to  
2 do it. Honestly, that's -- that's kind of where it  
3 was in terms of we know they can do that, so that's  
4 Persinger's job. They can do that.

5 Now Fortalice, there might have been a  
6 discussion about that for a moment; but I -- I don't  
7 recall one, honestly.

8 Q. Okay. So when was the decision made to  
9 bring in Mr. Persinger?

10 A. The discussions were late May, early June.  
11 I think, like I said, there was a question because of  
12 DOAS not necessarily paying quickly. Would he be  
13 willing to do something like that.

14 Q. Uh-huh.

15 A. And that got worked out, and he was able  
16 to figure out how to get ahold of it in July, so it  
17 was like within a couple of weeks of the decision  
18 being made, it got -- it got executed.

19 Q. All right. Who made that decision to  
20 bring him in?

21 A. That would be basically Ryan and myself  
22 more than anything.

23 Q. Ryan Germany?

24 A. Yes.

25 Q. And what was Mr. Persinger's assignment?



1 THE WITNESS: That's right. December  
2 14th. It's ten -- today. December 14th of  
3 2020.

4 And some of the other details, I -- I  
5 couldn't speak to necessarily, 'cause that's --  
6 The GBI is now leading on this --

7 Q. (By Mr. Cross) Uh-huh.

8 A. -- as part of an active criminal  
9 investigation, so I don't want to get too deep into  
10 what the Office itself may know, because the GBI is  
11 leading on that; and they can choose to keep us in  
12 the loop or not.

13 They're not keeping us out of the loop,  
14 but they're kind of keeping, you know -- They're  
15 running lead, and they are the GBI.

16 Q. Was there -- Does the Secretary's Office  
17 have any indication of remote access to the EMS  
18 server?

19 A. Not that I'm aware of.

20 Q. Is that something they looked for?

21 A. I don't -- I don't know.

22 Q. Okay. Does the Secretary's Office, has it  
23 looked for whether there is any sort of malware on  
24 the EMS server?

25 A. It's my understanding. Yes.

1 Q. And that was Mr. Persinger?

2 A. Yes.

3 Q. And they did not find any?

4 A. Not that I'm aware of.

5 Q. Has his -- Has anybody from the  
6 Secretary's Office examined whether any of the  
7 software was altered in any way on that server?

8 A. If I remember correctly from the  
9 discussion, nobody from the Secretary's Office has.  
10 This was all Mr. Persinger's --

11 Q. Uh-huh.

12 A. -- information on this.

13 MR. TYSON: And I think that's as far as  
14 you need to go --

15 THE WITNESS: Okay.

16 MR. TYSON: -- investigative work  
17 productwise.

18 MR. CROSS: Well, I guess we've asked --  
19 Take that to the judge then.

20 You're not going to let him share what Mr.  
21 Persinger has found?

22 MR. TYSON: No. Not at this -- Not at  
23 this point.

24 Yeah. I think he can testify whether  
25 there -- they found malware or not. I think we

1 far afield from the knowledge of that; and,  
2 plus, this gets into Persinger's process, so I  
3 don't see where we're -- where we're within the  
4 scope.

5 MR. CROSS: That's a critical component of  
6 understanding the scope of the unauthorized  
7 access, what they did.

8 MR. TYSON: What Persinger did to the  
9 server?

10 MR. CROSS: Well, because it affects --  
11 You've altered the evidence that we are  
12 ourselves relying on.

13 MR. TYSON: I just think you're factually  
14 incorrect on that.

15 MR. CROSS: Well, you need to talk to your  
16 consultant if you don't know the answer to that.

17 MR. TYSON: Okay.

18 Q. (By Mr. Cross) Are you aware that Mr.  
19 Persinger altered the password on the original the  
20 EMS server?

21 A. No.

22 Q. You're not aware that he was directed to  
23 do that by someone in the Secretary's Office?

24 MR. TYSON: Again I'll object in terms of  
25 direction from Secretary's Office and then work

1 product.

2 Q. (By Mr. Cross) Do you know one way or the  
3 other whether he was directed to do that by someone  
4 in the Secretary's Office?

5 A. I do not.

6 Q. So you can't share any insight into why he  
7 would have done that?

8 MR. TYSON: Again, object to form. You're  
9 assuming that he changed it.

10 Q. (By Mr. Cross) Do you -- Are you aware  
11 when you change the password on a Dominion EMS  
12 server that --

13 MR. KNAPP: In Coffee County?

14 MR. CROSS: What?

15 MR. KNAPP: You talking about Coffee  
16 County?

17 MR. CROSS: No, no. Just in general.

18 MR. KNAPP: Okay.

19 Q. (By Mr. Cross) Are you aware that when  
20 you change the password on a Dominion EMS server,  
21 that that single operation deletes data, including  
22 historical on the products?

23 A. No.

24 Q. So you're not aware that this was done and  
25 that there are log files that have been lost from the

1 original EMS server because of this action by Mr.  
2 Persinger?

3 MR. TYSON: Again, I object to --

4 THE WITNESS: No.

5 MR. TYSON: That's fine.

6 Q. (By Mr. Cross) You've never heard this  
7 before?

8 MR. TYSON: And I'll object to form again.

9 THE WITNESS: Do I answer?

10 MR. TYSON: You can answer, if you know.

11 THE WITNESS: No.

12 MR. CROSS: All right. Why don't we --  
13 Why don't we take a short break. I think we've  
14 been going over an hour.

15 THE WITNESS: We have.

16 MR. CROSS: Okay.

17 MR. TYSON: Okay.

18 THE WITNESS: I -- my timing -- my --  
19 my --

20 MR. CROSS: I figured you were going to  
21 give me a heads-up on a break, but we can break  
22 now.

23 THE WITNESS: I'm doing okay.

24 MR. KNAPP: Your biological clock.

25 THE WITNESS: Yeah.

1 MR. KNAPP: Yes.

2 THE VIDEOGRAPHER: We're going off the  
3 record at 11:28.

4 (Recess from 11:28 a.m. to 11:43 a.m.)

5 THE VIDEOGRAPHER: We are on record at  
6 11:43.

7 Q. (By Mr. Cross) Mr. Sterling, are you  
8 aware of any changes made to the original EMS server  
9 after the Secretary's Office took possession from  
10 Coffee County?

11 A. The Coffee -- You mean the Coffee County  
12 EMS, not --

13 Q. Correct.

14 A. -- made by Coffee County.

15 I am not aware of any changes that would  
16 have been made to that. No.

17 Q. Okay. And what about the ICC?

18 A. Not that I'm aware of.

19 Q. Okay. The -- The Secretary's Office took  
20 the EMS server from Coffee County in June of 2021, as  
21 I understand it, because the password didn't work; is  
22 that right?

23 A. June 8th. Yes.

24 Q. Okay. Why did the -- And sorry. Just to  
25 take a step back, are you aware that James Barnes

1 testified in his deposition that his understanding in  
2 dealing with the folks who came there, Chris Bellew  
3 and a Mr. Patel --

4 A. Uh-huh.

5 Q. -- his understanding that they were taking  
6 the EMS server was because there was a concern about  
7 a compromise per Mr. Harvey's e-mail?

8 A. No.

9 Q. But your testimony on behalf of the  
10 Secretary's Office is that that server was taken and  
11 that had nothing to do with any concern that it had  
12 been compromised?

13 A. Correct.

14 Q. Okay.

15 A. Mr. Barnes also stated, I believe, in his  
16 deposition that no one followed up with him after he  
17 talked to Chris; and obviously, we have evidence to  
18 show.

19 This is time differentials on these  
20 things.

21 Q. Uh-huh.

22 A. So I don't think that anybody --

23 Q. Uh-huh.

24 A. I don't think anybody's misleading  
25 anybody. This -- This is my memory and

1 understanding from a year out or something --

2 Q. Uh-huh.

3 A. -- like that.

4 Q. The -- Why did the Secretary's Office  
5 take the ICC when it took the EMS server?

6 A. I think they're connected. I don't know.

7 Q. But you're aware that the password, the  
8 ICC password still worked. It was fully operational?

9 A. Maybe it was. I don't know. I don't have  
10 an understanding as to why they took both of them.

11 Q. Okay.

12 A. I think I said that they're --

13 Q. Well, and I'm not asking you to  
14 speculate --

15 A. Okay.

16 Q. -- if you don't know.

17 A. I'm going to say one thing. As I  
18 understand it, their SOP is to just do that. Like I  
19 said -- Like I said, take it down there and replace  
20 it, so that's -- I didn't --

21 Once they said they did that, I just kind  
22 of left it at that.

23 MR. TYSON: David, do you want us to check  
24 with CES on a break on that point on what the --

25 MR. CROSS: Sure --



1 MR. TYSON: -- reason was?

2 Okay. For sure --

3 MR. CROSS: That's fine.

4 MR. TYSON: -- we can -- we can get into  
5 that.

6 MR. CROSS: Yeah.

7 Q. (By Mr. Cross) Are you aware that the  
8 clock on the EMS server was changed, on the original  
9 Coffee County EMS server was changed in January of  
10 2021?

11 MR. TYSON: Object to form.

12 THE WITNESS: No.

13 Q. (By Mr. Cross) And -- And you use  
14 computers, right?

15 You can look at your computer, and you can  
16 pull up a clock that tells you the date and time,  
17 right?

18 A. Yes.

19 Q. Okay. And you understand an EMS server  
20 has that same function?

21 A. Yes.

22 Q. Okay. So you had not heard before now  
23 that when Doug Logan and Jim Persinger were there  
24 accessing the system that --

25 A. Jim Persinger?

1 Q. Sorry. Let me get that right.

2 A. So we can both do that. It's okay.

3 Q. Yeah. No.

4 A. It shows --

5 Q. No. Thank you.

6 A. -- we're human.

7 Q. They all start to run together. Let me  
8 try that again.

9 In January of 2021 when Jeff Lenberg was  
10 there, you have not heard before now that the clock  
11 on the EMS server was reset to November 5th so that  
12 the server would think in that moment that it was  
13 November 5th of 2020?

14 A. No.

15 Q. And have you heard that the clock on the  
16 ICC in that same timeframe was reset to November 3rd,  
17 2020, which was the election date?

18 A. No.

19 Q. So I gather you don't have any insight  
20 from the Secretary's Office on any investigation why  
21 that was done?

22 A. Again, given the timing of it, we may not  
23 have been aware of it. GBI might be aware of it --

24 Q. Okay.

25 A. -- because of the -- the handoff and those

1 things.

2 Q. Okay. But you are aware that Jeff Lenberg  
3 spent the better part of each of five days in January  
4 of 2021 in that office with access to the equipment?

5 A. Yes.

6 Q. And what, if anything, can you share with  
7 me about what the Secretary's knowledge has about  
8 what he was doing or might have been doing?

9 A. Once we hand --

10 At that point, we had that information, I  
11 believe. GBI was taking the lead on that, so  
12 Secretary's Office would not have specific knowledge.

13 Q. Okay. Who made the decision to -- to  
14 replace the ICC and the EMS server in June of 2021?

15 A. I wouldn't call it a decision. It's a  
16 standard operating procedure. You couldn't get into  
17 it, so change them out. That's a State --

18 I guess Center for Elections did that,  
19 'cause they took it down there, and they -- and  
20 the -- They were hoping to be able to get into it,  
21 but they had that so that they could run their  
22 elections and do their items, so that was, like I  
23 said, a normal standard operating procedure, so I  
24 guess policy made the decision more than anything.

25 Q. Is there a written policy or documentation

1 you can point us to that lays out that policy?

2 A. No. My discussions with Michael Barnes,  
3 basically, that's just what we do; and it's always  
4 what we did in the old systems, too, under the old  
5 GEM system. If some of that happened, they would  
6 take the GEMS with them.

7 Q. But, again, the ICC had no access issue.

8 A. Again, I couldn't say why.

9 Q. Okay. And as I understand it, they came  
10 down on June 8th, confirmed that the EMS server was  
11 inaccessible, and they replaced both that day; is  
12 that right?

13 A. It's my understanding. Yes.

14 Q. Okay. And do you have any insight into  
15 why the decision was made not to replace any  
16 additional voting equipment in that office at that  
17 time?

18 A. Because, again, there was no issue around  
19 that. They had an issue with a password getting into  
20 the EMS. That was the only thing that was in  
21 contention.

22 Again, hindsight being 20-20, you can now  
23 see these things potentially having been connected in  
24 that -- in that -- in that --

25 Q. Uh-huh.

1           A.       -- kind of way.

2                   But at the time, these were two CES guys.  
3       These weren't investigators. Like I'm going down  
4       there to work on the EMS. I'm going to change out  
5       the EMS, 'cause we can't get into the EMS.

6                   So they did a normal situation and a  
7       normal office thing. It's -- You know, it's just a  
8       normal process.

9           Q.       On how many prior occasions has the State  
10       replaced an EMS server for a county in the Dominion  
11       system that was inaccessible?

12                   MR. TYSON: And I'll object to scope. I'm  
13       not sure that's within the scope of what we  
14       tried to do.

15                   But if you know, you can answer.

16                   THE WITNESS: Because of inaccessibility,  
17       none that I'm aware of other than this one.

18       I --

19                   Under the old system, I was under --  
20       Michael's told me, yeah, it happened on  
21       occasion; and I know we changed out one server  
22       for Spalding, because there were concerns  
23       because when the new board came in, they said  
24       this door was unlocked. We don't know who was  
25       here.

1 A. Thank you.

2 MR. CROSS: Let me get one back.

3 MR. BROWN: Yeah. Okay. That's -- Okay.

4 Q. (By Mr. Cross) All right. So Exhibit 70  
5 (sic) is an e-mail from -- I'm sorry -- a letter,  
6 sent via e-mail, from Steven Ellis in your office,  
7 right?

8 A. Correct.

9 Q. And you said that he's the deputy general  
10 counsel, and he oversees elections and  
11 investigations?

12 A. On the investigation side, it's general  
13 elections investigations; but yes.

14 Q. Okay. And he -- This is a letter that he  
15 sent to the GBI on August 2nd of 2022, right?

16 A. It's the official request for the GBI to  
17 get involved. Yes.

18 Q. In the second paragraph, he writes --  
19 With respect to the -- the unauthorized access to the  
20 State's voting system in Coffee County, he writes,  
21 "The suspected unauthorized access took place  
22 following the January 2021 runoff elections and the  
23 possibly accessed system has not been used in an  
24 election since that time."

25 Do you see that?

1 A. Yes, sir.

2 Q. That's -- That's not actually accurate,  
3 right, that the possibly accessed system has not been  
4 used in an election since that time?

5 A. I don't believe it was used in -- I don't  
6 recall there being any special elections down there.

7 Q. Well, there were three elections in Coffee  
8 County since January of 2021, right; or you just  
9 don't know?

10 A. Well, I'm trying to think. Well, the EMS  
11 is what we're talking about specifically here.  
12 That's the evidence we have of that at that time.

13 So there have been no elections done on  
14 the EMS, and that's what he's referring to here.

15 Q. Well, hang on. There's been three  
16 elections in Coffee County since June 8 of 2021,  
17 right?

18 A. Yeah.

19 Q. Okay.

20 A. Well, let's see. There could have been.  
21 I'm not positive. I'm trying to think of dates in my  
22 head where there have been specials, or just we had  
23 the primary, primary runoff. And what else?

24 MR. TYSON: Municipal.

25 THE WITNESS: Municipal's in 2019. Okay.

1 MR. TYSON: Twenty twenty --

2 THE WITNESS: 2021. Yeah.

3 Q. (By Mr. Cross) Right.

4 A. If they had any, 'cause not every county  
5 has them, so I'll take your word for it that, yes,  
6 there were three.

7 But, again, this is a discussion about the  
8 EMS at that time.

9 Q. Right. But we now know from the  
10 information obtained from Sullivan|Strickler, the  
11 photos, that what was accessed would be on the EMS  
12 server and the ICC, right?

13 A. Correct.

14 Q. It included a number of compact flash  
15 drives, thumb drives, laptops.

16 You understand that, right?

17 A. Yes.

18 Q. And the Poll Pads?

19 A. Yes, sir.

20 Q. All of that equipment or at least some of  
21 it, which wasn't just possibly accessed -- we know it  
22 was accessed -- was used in multiple elections since  
23 January of 2021 and since June 8 of 2021?

24 A. Yes. To -- To be clear, this is  
25 referring to the EMS, 'cause that's the information



1 we had at the time, so understand that as well.

2 Q. Okay.

3 A. 'Cause we -- As Mr. Persinger pointed  
4 out, we knew. That's when we figured that out.  
5 That's when we kicked this off.

6 Q. So okay. So I -- so the --

7 So Mr. Ellis's letter, when it says, "the  
8 possibly accessed system," it's referring to EMS  
9 server that was installed on June 8?

10 A. Correct.

11 Q. Okay. Okay. Thank you.

12 In a court hearing on September 9th of the  
13 this year, your counsel stated, quote, the access  
14 these people had to the system was that they wanted  
15 access to show something and not necessarily alter  
16 something from what we know.

17 What's the basis for the Secretary's  
18 belief that the -- the individuals who had this  
19 access, that was -- that they did not alter  
20 something?

21 A. I think in the context of the statement,  
22 the goal of the people, their stated goal publicly in  
23 November through December through January was to  
24 prove the election was stolen. That's what they were  
25 attempting to do. They're trying to say, look, we

1 have now found the fraud. This is the machinery that  
2 caused it. This is the situation that occurred.  
3 That was their -- from their -- That was their  
4 stated intent.

5 So I think that's the basis of that  
6 statement. Their intent -- Their intention would  
7 have been to prove the election was stolen; and if  
8 they had, they probably would have a giant red flag  
9 on a mountaintop waving it around.

10 Q. Uh-huh. But -- but -- So fair to  
11 say this -- this is -- this is a guess about what  
12 their intentions were. You don't actually know what  
13 their intentions were.

14 A. I can't get into the mind of anybody,  
15 obviously, who's not ourselves in our office; and  
16 the -- It's based on their statements and based on  
17 the environment at the time.

18 The goal was to prove that the election  
19 was stolen from President Trump. Like these election  
20 deniers, conspiracy theorists all point -- There's  
21 the fraud. There it is, and this is why he should  
22 still be president.

23 Q. Well, and let's pause on that. Because as  
24 you pointed out earlier, the situation here is  
25 actually quite different than what you refer to as

1     their modus operandi. Their modus operandi before  
2     the breach in Coffee County was to be very public, as  
3     you pointed out, right? To say, look, we're doing  
4     this. We're getting access, and we're going to show  
5     that the election was wrongly decided, right?

6           A.     Except in the other cases where they were  
7     public, they were granted access by some authority  
8     that seemed to be okay with it. In -- In Arizona,  
9     the State Senate, obviously. In Michigan, I believe  
10    there was, I believe, another group that did that.

11                So this goes back to looking back at what  
12    we know now. Misty and them all realized there were  
13    violating laws and rules here. Maybe we don't waive  
14    a flag at this until we know for certain we found  
15    something, so maybe they'd gotten more sophisticated,  
16    'cause they'd gone through the November time period  
17    and the December time period. I can't remember where  
18    the Arizona ridiculous thing was going on at that  
19    point.

20                So, again, I can't get into their  
21    mind-set, and you're right. This seems a little bit  
22    different; but the rationale behind it might have  
23    been, hey, I don't want to go to jail.

24           Q.     Well, but you're drawing the distinction  
25    that I'm -- I guess I'm having hard time to

1 understand.

2 Because according to the folks that did  
3 this -- Misty Hampton, SullivanStrickler -- they have  
4 the same authorization they had in other  
5 circumstances. They had the authorization of the  
6 elections director. They had the authorization of  
7 multiple members or at least one member of the Coffee  
8 County Election Board, and they had Cathy Latham  
9 holding herself out as an election official telling  
10 them they were authorized.

11 A. But she wasn't an election official.

12 MR. TYSON: Object to form.

13 Q. (By Mr. Cross) Sure. But -- but --

14 A. My point is it wasn't a public kind of  
15 thing on that front, so I think there's a --

16 I can't get in their mind-set. You're  
17 right.

18 Q. Uh-huh.

19 A. I can't know why they didn't do it that  
20 way; but, again, everything we've seen shows that.  
21 And, again, new information you just gave me as to  
22 that, it looks like they were trying to see what was  
23 the configuration with those dates, if something  
24 different would happen. That's why -- Maybe that's  
25 why they moved those dates on those machines, if

1 that's actually the case. I'm just taking your word  
2 for it --

3 Q. Uh-huh.

4 A. -- right now.

5 So, again, these people were hired by  
6 Sidney Powell essentially. That was -- I guess  
7 SullivanStrickler was hired by another law firm first  
8 and transferred over to Sidney Powell, and they were  
9 given the marching orders to potentially go forth and  
10 find fraud.

11 And I think at this point, too, in  
12 November and December, everybody was kind of  
13 running a -- I say everybody. The election deniers  
14 were in a tumult. They were -- They were very spun  
15 up and very public about they were doing. Lin Wood  
16 was having rallies. You know, Sidney Powell would go  
17 to rallies and --

18 Q. Including Robert Sinners.

19 A. Including Robert Sinners. I don't think  
20 it was rallies or not; but he was, you know, on those  
21 things.

22 So looking back on this now, I can't say  
23 for certain; but there's two things I take away from  
24 this. One, they didn't find anything; and, two,  
25 their -- their goal wasn't necessarily to add

1 anything or do anything. I don't know if they had  
2 skill sets or not.

3 But you're -- You're right. We can't  
4 know that with suppositions based on what we've seen  
5 and the evidence that we can get that I don't have  
6 access to now, because the GBI is now in charge of  
7 the investigation.

8 So I can't know for certain. You are  
9 correct.

10 Q. So one -- one key difference here with  
11 respect to the access in Coffee County versus others  
12 is that they kept it quiet, despite having  
13 authorization from local officials. And I'm not  
14 suggesting that's lawful authorization.

15 A. Yeah.

16 Q. They were authorized by local officials.  
17 Another key difference is timing. Right.  
18 This is January 7th through the end of the month.  
19 This is after Congress has already certified the  
20 election and Biden is declared the winner.

21 So my question to you is: Has your office  
22 considered whether that -- those set of  
23 circumstances, coupled with the amount of time they  
24 spent there, the changes that they made to the EMS  
25 server that we know of so far, whether any of that

1 conveys to you that they actually were not just  
2 looking historically, but looking prospectively?

3 A. I think that we take any of these  
4 unauthorized access seriously and have to take  
5 that -- Not knowing means you have to at least look  
6 and see if that's there, so I'm --

7 Again, since it's a little out of our  
8 hands now, I'm hoping the investigators will look to  
9 see if any -- anything was done along those routes,  
10 so any of that kind of thing.

11 The reality of it is I still say looking  
12 at it, looking back, you're assuming rational actors  
13 on some of this thing. The president's been -- You  
14 know, the president's been certified.

15 There were people who -- to this day, who  
16 on my Twitter, if you probably go -- you seem to like  
17 it, you can go back and look -- are saying put  
18 President Trump back, damn it. Okay. So there's  
19 people who still believe if they showed enough, they  
20 could go to -- go to a court somewhere and overturn  
21 it.

22 Now I think that's obviously beyond the  
23 pale; but, again, we can't get in the motivations of  
24 people who believe in their heart of hearts that the  
25 election was stolen, all these terrible things

1 the likelihood in our -- in our mind is probably not;  
2 but again, that's kind of out of our hands until GBI  
3 finishes everything on the criminal side.

4 Q. It sounds like you had a concern that if  
5 the Secretary's Office replaced additional voting  
6 equipment in Coffee County, which it ultimately did,  
7 that that might imply that the system's compromised.

8 But why -- why couldn't -- I guess I want  
9 to understand why you have that concern. Because  
10 can't the Secretary's Office just convey to the  
11 public that it's not aware of any compromise, but the  
12 mere potential is enough to say we're not going to go  
13 forward with this equipment, and we're going to  
14 figure out a different system that voters can have  
15 confidence in?

16 A. There's two different things that you're  
17 asking.

18 Again, our office doesn't believe that  
19 there's actually likely any malware on those  
20 machines.

21 Q. Uh-huh.

22 A. We had a plan. We were going to send in  
23 Pro V & V to potentially load a new golden record on,  
24 review the hash values with third-party stuff, and I  
25 know there are ways to potentially to get around



1           And one of the things I want to just give  
2           some context on, all of our lives are not focused on  
3           this one thing, obviously. We're doing lots of  
4           different things, so this is part of a amalgam of  
5           different things we're working with and trying to  
6           deal with.

7           So Ryan and I were both kind of  
8           frustrated, going I -- I wish we had an answer to  
9           this already. What do we need to do to change that,  
10          so we can --

11          A lot of our time is spent trying to clear  
12          things off the decks. Like we try to clear SEB  
13          investigations off the decks, 'cause we know that  
14          2022 is going to have a lot of new claims that we're  
15          going to have to investigate and do again.

16          So we didn't want this one just kind of  
17          hanging out there as -- as a potential issue, so that  
18          was -- That was part of the rationale; and again,  
19          there wasn't a (indicating) this happened. Let's go  
20          do that kind of thing.

21          Q.       To your point about not wanting this sort  
22          of hanging out there, why didn't the Secretary's  
23          Office replace the EMS server and the ICC last month  
24          when it replaced all the other equipment, given that  
25          other equipment had been used with the new EMS server

1 and ICC?

2 A. Internally, we didn't think -- We said we  
3 already replaced it, so that should take care of it  
4 kind of thing. There was an internal debate of like  
5 let's just clear them all out.

6 And then there was, well, why? I mean,  
7 it's already been replaced since they woke us. We  
8 can give them another debate point, but it was  
9 ultimately decided.

10 And then by the time we said, well, maybe  
11 we should, LMA had already started. We had to start  
12 the election process over again, so it's now running,  
13 so you couldn't, even if you wanted to, bar -- bar in  
14 making that chaos. But a lot more difficulty in  
15 running the election.

16 Q. Well, I guess help me understand that.

17 I mean, the -- the Secretary's Office was  
18 able to replace the EMS server and the ICC in Coffee  
19 County in June of last year in a single day with --  
20 with -- according to Mr. Barnes, without any advance  
21 notice they were going to do that.

22 A. Uh-huh.

23 Q. So it sounds like it's a pretty simple,  
24 quick process. Why couldn't they -- they do that as  
25 part of the broader process in September of replacing

1 the rest of the equipment?

2 A. Well, like I said there were two different  
3 discussions on this point. We replaced all the  
4 stuff. We said we already replaced that, so it  
5 didn't -- It wasn't a mind-set, too, like they  
6 interacted with these things.

7 And, again, remember, from our point of  
8 view, we don't believe that any malware is actually  
9 probably there; but we'll -- To take the debate  
10 point away and -- and take away the -- the -- the  
11 fear mongering around it, said let's get them all out  
12 of there.

13 It then came up at another point later on.  
14 Said, well, these other two things have been  
15 interacting with them.

16 And then there was a internal debate point  
17 of like, well, we've already replaced this.

18 Oddly, Marilyn has her hand up.

19 We've already replaced this; and then we  
20 said, well, maybe we should look at it; but by that  
21 point, the election -- We're in the election window  
22 now. You've got to realize we sent UOCAVA ballots  
23 out starting 49 days out, so that was seven weeks  
24 from the election.

25 So when the internal debate got to the

1 point, well, maybe we should look at something like  
2 that, again, when we run elections, we have to look  
3 at everything we're doing, this just being one sliver  
4 of the cybersecurity side. You have to look at all  
5 of the processes and thing -- and everything going  
6 on.

7 So it would have been more chaotic and  
8 more risky to then change it out at that -- by the  
9 time it had reached that point; but there was an  
10 internal debate about it, because, again, most people  
11 are under the impression nothing else -- we -- we got  
12 everything else out of there. This is a new EMS, so  
13 there shouldn't be any issue with that, so that was  
14 kind of the -- the thought process behind it at the  
15 time.

16 We were trying to act reasonably as we  
17 could, given the situation we were in.

18 Q. Well, what all did the Secretary's Office  
19 replace in Coffee County last month?

20 A. I believe, if memory serves, and if I --  
21 This may not be completely --

22 Q. Uh-huh.

23 A. -- all of it; but I remember it was the  
24 BMDs, the printers, the cords. I believe we might  
25 have changed out the battery supplies, but I don't

1 recall for certain on that one. The -- The  
2 scanners. The ICPs. The memory cards, and I believe  
3 the jump drives for everything.

4 In fact, we were originally going to  
5 change all those out. There was never a question  
6 internally that we were going to do that. That was  
7 going to be done, but then I think all of that was  
8 changed out.

9 And then the Poll Pads. Pardon me. I  
10 forgot. Them as well.

11 Q. I mean --

12 A. And the cords and all their --

13 Q. Right.

14 A. All the parent -- All the parent-child  
15 things within the system were changed out.

16 Q. There are over a hundred BMDs in Coffee  
17 County, right?

18 A. Correct. I -- I think it's just barely  
19 over a hundred, but I believe that's correct.

20 Q. Somewhere between a hundred and a hundred  
21 twenty, I think, is what we --

22 A. Something --

23 Q. -- refer to.

24 A. Yeah. I think it was a hundred and nine,  
25 if memory serves, but something like that.

1 emergency hand-marked paper ballots for elections?

2 A. No.

3 Q. Are you aware of any election security  
4 expert who has examined any component of the State's  
5 voting system since the Coffee County breach came to  
6 light?

7 A. I'm going to assume Mr. Persinger's had  
8 the -- one part of that.

9 Since then, no. We haven't had -- brought  
10 anybody else in yet. In fact, we're discussing  
11 trying to go through our procurement process to get a  
12 contract in place to allow for that for the long  
13 term.

14 Q. But Mr. Persinger, I assume, has forensic  
15 expertise. But he's not an election security expert,  
16 right?

17 A. Well, this becomes -- This comes into the  
18 subjective idea of what an election security expert  
19 is.

20 Q. Well, is he -- Are you aware of any  
21 proceeding in which he has offered opinions as an  
22 expert on election security?

23 A. I'm not. No.

24 Q. Are you aware of any work by Mr. Persinger  
25 to examine voting equipment prior to the work he's

1 doing now?

2 A. Not that I'm aware of. No.

3 Q. Are you aware --

4 Well, back up. You know Ben Adida?

5 A. Yes. Uh-huh.

6 Q. Ben Adida is an expert who testified for  
7 the State in this case; do you know that?

8 A. He testified for us?

9 Q. He did. He testified at a hearing in  
10 September of 2020.

11 A. Okay. Then yeah. I'd forgotten that that  
12 was the case.

13 Q. Yeah.

14 MR. BROWN: It was Zoom.

15 THE WITNESS: Okay.

16 MR. BROWN: Wasn't that by Zoom?

17 MR. CROSS: It was. I think everybody was  
18 by Zoom.

19 THE WITNESS: Okay.

20 Q. (By Mr. Cross) And Ben Adida, does he own  
21 or he runs VotingWorks?

22 A. Something. I'm not sure how it works, but  
23 I think he founded it, and it's like a nonprofit  
24 thing so --

25 Q. And VotingWorks is a company that the

1 States contracts with for audit purposes?

2 A. Correct.

3 Q. Maybe among others.

4 Sorry. You say correct?

5 A. They are. There are none among others,  
6 but they are. They are the ones we can contract  
7 with.

8 Q. Okay. Are you aware that Ben Adida always  
9 advises his clients to adopt hand-marked paper  
10 ballots, plus, one BMD for disability purposes?

11 MR. TYSON: And I'll object to form and  
12 scope.

13 THE WITNESS: I am not aware of that, but  
14 that wouldn't -- I wouldn't find that  
15 surprising from Ben. No.

16 Q. (By Mr. Cross) Why?

17 A. Because I believe that's his understanding  
18 and belief; and of course, in Georgia, we have a law  
19 that says we have to have BMDs for everything.

20 Q. All right. Let me hand you --

21 MR. CROSS: Are we at nine?

22 THE WITNESS: Nine, I think.

23 MR. CROSS: Is it nine?

24 THE VIDEOGRAPHER: Yes.

25 Q. (By Mr. Cross) Okay. Let me hand you



1 Q. How many ballot builders are there?

2 A. If memory serves, there's four that are  
3 State employees and two that are contract employees  
4 right now.

5 Q. Contract employees contracted by the  
6 State?

7 A. Correct. And these contracts are direct,  
8 are through a State contract. They hired -- it's  
9 a -- it's a --

10 There are two state contracts for  
11 temporary employees specifically. A third, if you  
12 include IT employees; and they are paid through one  
13 of those three. I can't remember which one it is. I  
14 would I want to say it's -- It's either CAI or focus  
15 or corporate. But, again, they're just --

16 It's enough to say modeling used to -- for  
17 accounting to pay for contract employees, as opposed  
18 to making them full employees, because full employees  
19 are very expensive because there's a 63 percent  
20 burden on their -- For every dollar you spend on  
21 their salary, it's 63 cents additional to employ  
22 them.

23 Q. Okay. Do they do the ballot building  
24 physically on site at the Secretary's Office or where  
25 do they do it?

1           A.       They do it at the Center for Elections  
2 office, which is near the Braves stadium up and off  
3 Interstate 120.

4           Q.       So here Miss Roberts for Coffee County  
5 reaches out in April of this year and says can you  
6 please send me a letter on your letterhead stating  
7 that your server is in your possession. Please  
8 include why and when it was changed out. Do you see  
9 that?

10          A.       Yes.

11          Q.       Do you know why Miss Roberts is reaching  
12 out to the Secretary's Office for that letter on  
13 April 1st of this year?

14          A.       I vaguely recall. I -- I -- I don't want  
15 to speculate. I think it was something around their  
16 elections board wanted to understand why.

17                   And, also, they say their server.  
18 Technically, they're all the State's servers; but  
19 they are held and used by those counties. I just  
20 want to make that clarification.

21                   I believe that's what it was; but, again,  
22 this was April of '22. And, again, it was no big  
23 deal to say the password didn't work. We changed it  
24 out. Normal processes.

25          Q.       When you say that the -- the -- the State

1 servers, but they're held and used by the counties,  
2 what does that mean?

3 A. The State retains ownership of all  
4 equipment unless, as in some counties, some large  
5 counties buy their own equipment. They -- They own  
6 that equipment, but we still have to have -- go  
7 through state acceptance and certification on those  
8 pieces of equipment.

9 Q. So the EMS server that was taken and the  
10 ICC in the summer of last year from Coffee County,  
11 that is and has always been owned by the Secretary's  
12 Office or by the State?

13 A. Once it was purchased and accepted, yes.

14 Q. Okay. All right. Is that true for the  
15 new equipment? The State owns that, too?

16 A. Correct. All the equipment, not just the  
17 ICC and the -- Everything that we changed out, the  
18 States retains ownership of those items.

19 Q. Okay. Do you know why this -- the Coffee  
20 County office did not already have any documentation  
21 on the EMS server and the ICC being replaced in June  
22 of 2021?

23 A. I don't know that they didn't, or they may  
24 be not be able to find it since they went through  
25 three elections directors -- I guess two elections --

1 Oh, an initial director election passed this time, so  
2 I don't know what they did or didn't have, but they  
3 probably wanted to have this as a belt and  
4 suspenders.

5 Again, I'm making a supposition, so I  
6 apologize, but I --

7 MR. TYSON: Yeah. And don't -- Don't  
8 guess.

9 Q. (By Mr. Cross) Yeah. If you don't -- if  
10 you don't know --

11 A. Well, I -- I couldn't suppose for certain.

12 Q. Sure. Okay. Well, do you know why the  
13 Secretary's Office does not have any documentation  
14 regarding replacing that server and the ICC other  
15 than the logic and accuracy report that we received?

16 A. And the logic and accuracy report, that's  
17 all you really need to know. It's changed out. It's  
18 a new piece of equipment there with the L&A on it.  
19 It was put there. We have the time. We have the  
20 date.

21 Q. But the chain of custody of voting  
22 equipment, maintaining that chain of custody is  
23 critically important, right?

24 A. Yes.

25 Q. And so does the State not have any

1 policies or practices to require documenting when it  
2 replaces voting equipment in the county other than  
3 just an L&A report?

4 A. I don't know off the top of my head on  
5 that one, quite honestly. I mean, I did  
6 demonstration for voting equipment for a media the  
7 other day. We had to sign all the paperwork to take  
8 it from one building to another.

9 So, I mean, I know we do have paperwork on  
10 those fronts; and I don't know if it would be the  
11 same as it would for a complete switch out or not. I  
12 just don't know off the top of my head.

13 Q. If you wanted to know, who would you ask?

14 A. I would ask Michael Barnes.

15 MR. TYSON: You want us to check on that  
16 at a break?

17 Q. (By Mr. Cross) Sure.

18 MR. TYSON: Okay.

19 MR. CROSS: Thank you.

20 Q. (By Mr. Cross) And then if you come up to  
21 the most recent e-mail where we started, Mr. --

22 A. The first page on --

23 Q. Yes.

24 A. The first page. Okay.

25 Q. -- Mr. Germany's e-mail, to Steven Ellis,

1       that fills that role at Hall Booth?

2               MR. TYSON: And I'll object to scope.

3               You can answer if you know.

4               THE WITNESS: I believe that's correct.

5               Yes.

6               Q.       (By Mr. Cross) For example, it was Tony  
7       Rowell that was in the meeting with Misty Hampton  
8       December of 2020. Do you remember that?

9               A.       Yes.

10              Q.       And then it -- Here, it's a reference to  
11       her.

12              Do you know if Mr. Germany reached out to  
13       Jennifer Herzog?

14              A.       I believed that -- Prompting my memory --

15              Q.       Okay.

16              A.       -- that is name of the person whose  
17       talking to. Yes.

18              Q.       Has there been any consideration or  
19       investigation either by or at the direction of the  
20       Secretary's Office into whether any of the Coffee  
21       County attorneys were aware of the -- the breach in  
22       January of 2021 shortly after or -- or at the time  
23       that it happened?

24              MR. TYSON: I'll object to scope.

25              If -- If you know, and don't disclose

1 about the investigation.

2 THE WITNESS: I couldn't speak to that.

3 Q. (By Mr. Cross) 'Cause -- 'Cause you  
4 don't know?

5 A. I don't.

6 Q. Okay.

7 A. Yeah. Sorry. Yeah.

8 Q. I just want to make sure it wasn't -- it  
9 wasn't like a privilege thing. You just don't know?

10 A. I just don't know.

11 Q. Okay. If -- If you wanted to know, who  
12 would you ask?

13 A. One of three people, either Ryan Germany,  
14 Steven Ellis, or Sara Koth.

15 MR. TYSON: Or the GBI?

16 THE WITNESS: Or the GBI. But at this --  
17 at this point, it would have been an earlier  
18 period of time. This was well before the GBI  
19 was involved.

20 Q. (By Mr. Cross) Right. Okay. So we  
21 talked about the password change that was changed on  
22 December 14 and -- And that was a directive from the  
23 Secretary's Office.

24 Are -- Are you aware that James Barnes  
25 testified that his understanding was that

1 county-level officials actually don't have  
2 administrative rights to change a password?

3 A. I'm aware that was his testimony, but I  
4 believe that is incorrect.

5 Q. Okay. So the password change that  
6 occurred on December 14, is it the Secretary's Office  
7 understanding that Misty Hampton did that, or they --  
8 they don't know for sure who did it?

9 A. We don't know. We only know is that  
10 someone in that office who had the existing password  
11 went on and changed that password, so we can't speak  
12 if it was Misty, her daughter, or some other  
13 employee.

14 Q. Since the Secretary's Office thought that  
15 the password should be changed after the YouTube  
16 video came, why wasn't it the practice of the  
17 Secretary's Office to make that change itself or to  
18 oversee that change with whoever would handle that?

19 A. I couldn't speak to that specifically.  
20 Generally speaking, the board of elections  
21 directors. Counties run elections and --

22 Q. All right.

23 A. And, generally speaking, the Secretary of  
24 State's Office says to do something, they generally  
25 do it, because they don't want to go before the State



1 Election Board for having done something wrong.

2 Q. Does the -- Since the Secretary's Office  
3 owns the equipment in Coffee County in particular, is  
4 the -- is -- is it supposed to have all of the  
5 passwords to that equipment so that it has its own  
6 access?

7 A. Generally speaking, yes.

8 Q. And is it my understanding that when the  
9 password was changed on December 14 at the  
10 Secretary's direction, is it your understanding  
11 whatever that password became was ever shared with  
12 your office?

13 A. That is my understanding. Yes.

14 Q. And what is that based on?

15 A. That when James Barnes called Michael  
16 Barnes, no relation, to -- to see if you have a  
17 different password than what I have sitting here, he  
18 had the same one; and there has been -- There's no  
19 indication that we ever got the information that it  
20 was changed.

21 Q. Do you know whether the password that  
22 James Barnes was trying to use and that Michael  
23 Barnes had -- was that what the Secretary's Office  
24 believed to be the EMS server password prior to  
25 December 14th?

1 A. That was my understanding.

2 Q. Is that from Mr. Barnes?

3 A. Well, from Michael, yes.

4 Q. From Michael, yeah.

5 And so when --

6 THE WITNESS: Hold on.

7 MR. CROSS: Sorry.

8 THE COURT REPORTER: Okay.

9 Q. (By Mr. Cross) And so when the  
10 Secretary's Office took possession of the EMS  
11 server -- took possession of the EMS server in June  
12 of 2021, the password that Mr. -- that Michael Barnes  
13 had did not work?

14 A. Correct.

15 Q. And at some point this year, the  
16 Secretary's Office got access to that server through  
17 Mr. Persinger's work?

18 A. I wouldn't say the Secretary's Office got  
19 access to it. Mr. Persinger got access to it.

20 Q. But he's working at the direction of the  
21 Secretary's Office?

22 A. Yes. Well, through the attorney. I don't  
23 know how to define the relationship, but through the  
24 attorneys' offices, yes.

25 Q. And I know we talked about this before.

1 But just to get more specific for you, do  
2 I understand correctly, you were not aware that Mr.  
3 Persinger installed a software program on the  
4 original EMS server on the hard drive called  
5 resetpassword.exe, an executable file?

6 MR. TYSON: And I'll object to form.

7 THE WITNESS: No.

8 Q. (By Mr. Cross) The -- I guess our  
9 follow-up if you don't know. But let me ask -- let  
10 me ask the question, and you can tell me if you just  
11 don't know.

12 Do you know why when CES came into the  
13 Coffee County office in -- in May of 20 -- or  
14 sorry -- I think it was June of --

15 Sometime in the May-June time period of  
16 2021, CES comes in. Why didn't they just reset the  
17 password on that server as Mr. Persinger did?

18 MR. TYSON: And I'll object to form.

19 THE WITNESS: As I understand it, we don't  
20 have easy access to do that. It's designed as a  
21 security feature in and of itself. That's why  
22 it was a little bit frustrating. We couldn't  
23 get -- We would assume there ought to be some  
24 back door way to be looking at it. That's an  
25 easy way to then go in and get to do those

1 things.

2 So that was my understanding of it.

3 MR. CROSS: All right. Is this ten, I  
4 think?

5 THE WITNESS: Yes.

6 (Exhibit 10 was marked for  
7 identification.)

8 Q. (By Mr. Cross) All right. Let me hand  
9 you what's been marked as Exhibit 10. It's Tab 59.  
10 So Exhibit 10 is an e-mail that you sent  
11 to -- to outside counsel including -- and, plus, Ryan  
12 Germany and Steven Ellis on August 1st of 2022.

13 Do you see that?

14 A. Are we talking beginning back here, or  
15 where are you on?

16 Q. The -- the -- The most recent e-mail at  
17 the top of the first page.

18 A. Yeah. It was basically take the  
19 information I'd gotten from -- I don't remember  
20 exactly what it was, but I --

21 Yeah. It was from Nicole. That what's  
22 she told me. Yeah.

23 Q. Okay. So come down to the second-to-last  
24 page. It ends in 91.

25 A. Okay.

1 A. He's passed away.

2 Q. Okay. I'm sorry.

3 A. He -- He left first, and then he passed  
4 away suddenly.

5 Q. Okay.

6 A. He was very young. He was only 47. He  
7 had a heart attack.

8 Q. Jesus. That's terrible. Okay. Oh, I'll  
9 need to be healthier.

10 Okay. So and in this e-mail, Mr. Germany  
11 writes, "... can you download the file below and pen  
12 an investigation into below."

13 Do you see that?

14 A. Yes.

15 Q. And then Mr. Callaway responds, "I got it,  
16 Ryan. I'm clear."

17 Do you see that?

18 A. Yes.

19 Q. And then we come up to -- The most recent  
20 e-mail is one that you're sending where you're  
21 conveying information from Nicole at Dominion.

22 Do you see that?

23 A. Yes.

24 Q. Who was Nicole?

25 A. Nicole Nollette who is their vice

1 president of operations.

2 Q. How do you spell her last name?

3 A. I believe N-O-L-L-E-T-T-E.

4 Q. And so when you're conveying this, is this  
5 the text like from an e-mail or a text message or  
6 something?

7 A. Yes.

8 Q. Okay. Text message or e-mail?

9 A. I don't recall.

10 Q. Okay. So she says, Gabe, you are right.  
11 April 11th I was up there. When I was at CES, I had  
12 to go to Best Buy. I just remembered this. I looked  
13 up my account, and the purchase was April 11.

14 A. Yes.

15 Q. And then you explain below she was working  
16 to gain access to the server that had the password  
17 change, right?

18 A. Yes.

19 Q. And that's the Coffee County server we've  
20 been talking about?

21 A. Correct.

22 Q. What led the Secretary's Office to decide  
23 to bring Dominion in, in the April timeframe of this  
24 year to try to get access to that server?

25 A. Well, we actually made the decision in

1 March; but they already had a previously scheduled  
2 trip, so it didn't seem logical to make them do an  
3 additional trip down; and it was basically it's their  
4 server. They should be able to know how to get into  
5 it through a -- if the password's been changed.

6 And they thought they might be able to.  
7 They had a couple ways they were thinking about doing  
8 it, and their engineers were working on it, so  
9 that's -- It seemed a logical first step of doing  
10 what we're trying to do, which was to figure out if  
11 there had been any -- anything untoward on the  
12 machine, was to go to them first.

13 Q. Sorry.

14 But was it the -- The recording that you  
15 received from Mr. Hall or the recording of Mr. Hall,  
16 it -- it -- was that the impetus to say, okay, let's  
17 go look at this server that we've had for a while?

18 A. We had had some discussions about it, so  
19 let's listen to the whole thing. As I said earlier,  
20 I wasn't sure of the timeframe. I think it was post  
21 getting the full thing or free.

22 We -- We already decided we've got to  
23 figure out how we're going to do this, and I couldn't  
24 tell you when we originally called either Tom Feehan  
25 or Nicole Nollette to say, hey, we need to get into

1 the server. How do we do that.

2 So it was around -- They're all  
3 contemporary to one another in that timeframe.

4 Q. Did anybody come with Miss Nollette on  
5 April 11th from Dominion?

6 A. Not that I recall, but I -- I may not be  
7 aware.

8 Q. Okay.

9 A. I know that she was talking to people  
10 remotely in the Denver office about this from CES,  
11 'cause we had discussions about that.

12 Q. So is it your understanding that she's the  
13 one who came up, and it was -- She's the one who  
14 tried to get access to the server?

15 A. And to a point where she'd gone to Best  
16 Buy and said, hey, get this and see if this can help  
17 you do that kind of thing. That -- That was where  
18 that came down from because we had an initial  
19 discussion.

20 She -- In her brain, she thought it was  
21 later that she'd come down in April; but I said no.  
22 I'm pretty sure it was around this time.

23 And she went back and checked, and that's  
24 how -- That was the impetus behind this particular  
25 discussion on the e-mail.



1 Q. Do you know what it is she purchased from  
2 Best Buy to try to help with that?

3 A. I don't.

4 Q. If you wanted to know that, who would you  
5 ask?

6 A. Nicole.

7 Q. But whatever she bought, fair to say it  
8 didn't work?

9 A. Correct.

10 Q. And do you know whether -- whether Miss  
11 Nollette shared with anyone at CES or anyone else in  
12 the Secretary's Office around this time that the data  
13 that sits on the Dominion EMS servers is not  
14 encrypted, and so you could access it just by making  
15 a copy?

16 MR. TYSON: I'll object to form.

17 THE WITNESS: Again, I think there may be  
18 some point of confusion on part of this, because  
19 they knew what we were trying to attempt to do,  
20 which was to see the log files.

21 Q. (By Mr. Cross) Uh-huh.

22 A. And maybe they didn't know they could do  
23 that, because that's not really -- They build these  
24 machines. They don't try to back figure their way  
25 into these machines.

1 So I don't know if that was stated or not.

2 It was not stated to me.

3 Q. Mr. Barnes testified that --

4 A. Michael or James? Sorry.

5 Q. Yes. Thank you. That's a good  
6 correction.

7 James Barnes testified that when the  
8 Secretary's Office swapped out the -- the EMS server  
9 and the ICC in June of last year, he said it was Mr.  
10 Patel and someone named Chris.

11 Was that Chris Bellew?

12 A. Chris Bellew. Correct. And that's  
13 spelled B-E-L-E-W (sic).

14 Q. Is it two L's?

15 A. I think it's just one.

16 Q. Oh, okay.

17 A. I could be wrong, but I'm pretty sure it's  
18 just one.

19 Q. Okay. And just so I understand, your  
20 knowledge is that the only documentation that exists  
21 within the Secretary's Office about replacing the EMS  
22 server and the ICC is that L&A testing report that we  
23 received?

24 A. As I sit here right here, yes. We're  
25 obviously going to check the next break.

1 MR. CROSS: -- 250 investigation, so we  
2 would ask for that, if it exists.

3 MR. TYSON: Okay. I -- I don't think it  
4 exists.

5 THE WITNESS: I don't think it exists that  
6 way. It's in --

7 MR. TYSON: Right. I think it's --

8 MR. CROSS: Well, let's look at --

9 All right. So let's --

10 MR. TYSON: Okay.

11 Q. (By Mr. Cross) Maybe WhatsApp's right.

12 A. Okay.

13 Q. Let me hand you --

14 MR. CROSS: Is it 11, I think it is?

15 THE VIDEOGRAPHER: Yes.

16 (Exhibit 11 was marked for  
17 identification.)

18 Q. (By Mr. Cross) All right. Exhibit 11.  
19 This is Tab 107.

20 So Exhibit 11, the most recent is an  
21 e-mail from Ryan Germany to folks at the Secretary's  
22 Office on April 25th of 2022.

23 Do you see that, Mr. Sterling?

24 A. Yes.

25 Q. Okay. Come to the start of it. Go to the

1 third page ending in 50.

2 A. Okay.

3 Q. And if you look at, actually, the bottom  
4 of the second page, you'll see the whole e-mail.

5 Do you see this starts with an e-mail from  
6 a reporter named Kate Brumback at the AP?

7 A. Yes, sir.

8 Q. And so she reaches out through Open  
9 Records on April 25th of 2022, and she says I'm  
10 seeking any documents related to an investigation  
11 into the handling of the EMS server in Coffee County  
12 that was opened between February 24 of '22 -- 2022  
13 and the present.

14 You see that?

15 A. Yes, sir.

16 Q. And then Open Records responds to her they  
17 can't release any information because it's under  
18 investigation. They say you previously asked for a  
19 cover sheet, and we sent that one we are using for  
20 the investigation.

21 Do you see that?

22 A. Yes, sir.

23 Q. Do you know what they sent?

24 A. Looking at this, I couldn't say for  
25 certain.

1 Q. Okay.

2 MR. TYSON: David, we could go on a break.  
3 Let me see if I can find that, 'cause I have not  
4 seen that document.

5 MR. CROSS: Okay.

6 MR. TYSON: So let us see if we can find  
7 it.

8 MR. CROSS: Sure.

9 MR. TYSON: If there's something separate.  
10 It may just be the SharePoint print.

11 MR. CROSS: Okay.

12 MR. TYSON: I don't know what it is, so  
13 let me find out what that is, and we --

14 MR. CROSS: That's fine.

15 MR. TYSON: And we're happy to get it to  
16 you, obviously.

17 Q. (By Mr. Cross) Okay. And then if you  
18 continue on in this thread, Mr. Sterling, you see  
19 that Miss Brumback writes back. She gives some more  
20 information about what she's looking for.

21 Do you see that?

22 The bottom of the first page.

23 A. Oh, yeah. I'm reading -- I'm reading it  
24 now.

25 Q. Yeah. And then Open Records forwards that

1 Q. Oh, is the 250 investigation still open?

2 A. I don't know the answer to that. I know  
3 that everything new is now that new case number we  
4 discussed earlier.

5 Q. All right.

6 A. Everything's going to be new; but, of  
7 course, now with GBI, so it's a different kind of  
8 environment.

9 Q. All right. Let me hand you, I think,  
10 Exhibit 12.

11 (Exhibit 12 was marked for  
12 identification.)

13 Q. (By Mr. Cross) And, actually, before you  
14 look at that, let me just ask you a threshold  
15 question.

16 So you're obviously familiar with Robert  
17 Sinners?

18 A. Yes.

19 Q. He works in your office?

20 A. Correct.

21 Q. And -- and he -- Is he the director of  
22 communications?

23 A. Yes.

24 Q. Okay. And you're familiar with Eric  
25 Chaney and Misty Hampton?

1 A. Yes.

2 Q. You know of them?

3 A. Yes.

4 Q. Yeah. Do you -- Do you have any insight  
5 into why Eric Chaney texted Misty Hampton Robert  
6 Sinner's personal cellphone number on the night of  
7 January 7, 2021, as they were finishing or had just  
8 finished the copying and everything that occurred in  
9 the office that day?

10 A. No.

11 MR. TYSON: I'll object to form and scope.

12 THE WITNESS: No.

13 Q. (By Mr. Cross) Have you ever discussed  
14 that with him?

15 A. Yes.

16 Q. And what can you share with me about that?

17 A. When you say him, I think Robert Sinners.  
18 Essentially said they must have done it  
19 because my role before this was sort of head of, you  
20 know -- not security -- there was a word for it --  
21 election day operations, which then follows up on  
22 these items for the Trump action.

23 Now when I discussed it with him, he said  
24 at that point, the election's certified; I was  
25 unemployed; and I was in Savannah engaging in adult

1 beverages. So he doesn't recall getting one.

2 I -- I asked him the question.

3 He goes I don't remember seeing one, and  
4 he goes I never dealt with anything beyond that at  
5 that point.

6 So that was where I -- I had asked him  
7 about it, because it's a question.

8 And having worked on campaigns a big chunk  
9 of my life, going to Savannah and engaging in adult  
10 beverages after a loss is not an uncommon way to deal  
11 with things after the fact. It seemed logical.

12 Q. Uh-huh. Have you seen the text thread I'm  
13 talking about where Mr. Chaney sends Mr. Sinner's  
14 number to Ms. Hampton?

15 A. I have not.

16 Q. Okay. He says at the same time  
17 immediately after, he says let's switch to Signal.

18 Are you familiar with Signal?

19 A. Yes.

20 Q. And, again, you don't have any insight as  
21 to why Mr. Chaney and Miss Hampton were having that  
22 discussion at that time?

23 A. No.

24 MR. TYSON: And I'll object to scope and  
25 form.



1 THE WITNESS: No, sir.

2 Q. (By Mr. Cross) And do you know whether  
3 anyone either in the Secretary's Office or at their  
4 direction has investigated that?

5 A. No.

6 Bless you.

7 THE VIDEOGRAPHER: Thank you.

8 Q. (By Mr. Cross) All right. So grab  
9 Exhibit 12, if you would.

10 A. And that's the one message with No. 155 at  
11 the top?

12 Q. Yes.

13 A. Okay.

14 Q. So the cover page concerns an Open Records  
15 Request. You see it's from Misty Hampton, to Mr.  
16 Voyles, Tracie Vickers, along with Coffee County.  
17 It's dated November 16, 2020.

18 And it says please the attached for the  
19 ORR. This should complete both RR (sic). I air  
20 dropped the video to Ed Voyles.

21 Do you see that?

22 A. Yes, sir.

23 Q. And then if you come to the -- the very  
24 last page, turn it over to the back. Do you see that  
25 there is an e-mail exchange that begins between Miss

1 Q. (By Mr. Cross) Do you know of any  
2 investigation into whether Mr. Sinners had any  
3 knowledge of the breach in Coffee County at or around  
4 the time that it occurred?

5 A. No.

6 Q. Do you know of any investigation into  
7 whether he was involved?

8 A. No.

9 Q. Do you know why he was hired into the  
10 Secretary of State's Office immediately after,  
11 literally days after Jeffrey Lenberg was last in that  
12 office accessing the equipment?

13 MR. TYSON: And I'll object to scope.  
14 Personnel's not in the topics.

15 THE WITNESS: And secondly --

16 Q. (By Mr. Cross) I'm just asking if you  
17 know. If you don't know, that's fine.

18 A. Well -- well, you -- you --

19 You asked two questions. You asked why he  
20 was hired. That's one question, and then you asked a  
21 secondary question of why he was hire days after  
22 Lenberg was there.

23 From the point of view of the Office, one  
24 had nothing to do with the other, 'cause we had no  
25 idea of the existence of Mr. Lenberg going to the

1 some water way back.

2 Q. Thank you.

3 (Exhibit 13 was marked for  
4 identification.)

5 Q. (By Mr. Cross) 13. And that's Tab 60,  
6 six zero; and if you look at the most recent e-mail,  
7 this is an e-mail that you received from Ryan  
8 Germany, along with Mr. Tyson, Carey Miller, Vincent  
9 Russo, and Steven Ellis on August 1st of 2022.

10 Is that right?

11 A. Yes.

12 Q. All right. You can put that aside.

13 A. Okay.

14 Q. Let me hand you Exhibit 14.

15 (Exhibit 14 was marked for  
16 identification.)

17 MR. CROSS: I'll ask if you want one.

18 MR. BROWN: Thank you.

19 Q. (By Mr. Cross) So Exhibit 14, do you see  
20 at the top?

21 This is an -- This is an e-mail that Sara  
22 Koth sent to Steven Ellis on July 12th, 2022  
23 regarding an Open Records Request. Do you see that?

24 A. Yes.

25 Q. And if you turn to the second and third

1 page, you'll see that this concerns the same Open  
2 Records Request from Kate Brumback of the AP that we  
3 were looking at a moment ago?

4 A. Yes.

5 Q. If you look at Mr. Germany's e-mail on the  
6 first page, so he sends an e-mail to Open Records,  
7 Steven Ellis, Paul Kokenes, Sara Koth, on April 25th  
8 of 2022 at 3:06 p.m.

9 Do you see that?

10 A. Yes.

11 Q. And he says to Miss Koth, "... let's  
12 reopen this case in investigations, and we can note  
13 that it was re-opened to deal with new allegations  
14 regarding the same event."

15 Do you see that?

16 A. Yes.

17 Q. Can you help me understand that, 'cause  
18 how did the allegations of unauthorized access that  
19 occurred in Coffee County in January of 2021  
20 regarding the same event of what had already been  
21 investigated under 250 -- aren't those -- Aren't  
22 those vastly different events?

23 A. I wouldn't call them vastly different, and  
24 I know what Ryan's mind-set basically was, was we  
25 have an investigation. We have some of the same

1 people and -- and issues around this.

2           Essentially, Misty -- We kind of tie it  
3 back to -- I think in his mind -- tie it back to the  
4 video, the failure to certify, all -- all these  
5 things are Misty Hampton acting badly essentially  
6 or -- or Misty and the Board, so that was kind of the  
7 thought process, that this is all -- this is her  
8 continuing to not do the right thing.

9           Could you have opened a separate  
10 investigation number? Potentially.

11           But it -- it kind of made sense internally  
12 at the time that let's just make it the same people  
13 on it. They already know some of these players.  
14 It just makes -- It made sense to them at the time.

15           Q.     At some point in December of 2021, 250 was  
16 referred by the SEB to the -- the AG's Office, right?

17           A.     That's correct. I believe -- I believe  
18 it was December. Yes. I knew at the end of 2021.

19           Q.     In reference -- The Secretary's Office,  
20 at least through counsel, has said that that  
21 investigation was referred back to the Secretary's  
22 Office after the -- the call recorded of Mr. Hall  
23 came to light.

24                   Is there any documentation you're aware of  
25 referring to the 250 investigation back to the

1 Secretary's Office?

2 A. No.

3 THE WITNESS: Can someone grab me some  
4 water.

5 MR. CROSS: Okay. Do you need water?

6 THE WITNESS: Yeah. I could use some.

7 MR. CROSS: Okay.

8 THE WITNESS: Thank you. I'd normally  
9 gotten myself, but I don't think -- I shouldn't  
10 be able to get up.

11 MR. TYSON: Yeah.

12 (Discussion ensued off the record.)

13 MR. CROSS: Oh, okay.

14 MR. TYSON: It's a -- David, just for  
15 reference, checked while we were working through  
16 here; and the case sheet is what's printed out  
17 in the SharePoint system, so it's not like a  
18 document that exists. It's a printout of the  
19 status in the SharePoint system, so that's what  
20 you have there.

21 If you want to mark that, we can work  
22 through that, too, so --

23 Q. (By Mr. Cross) All right. We can go do  
24 that. Is this just 14 or 15?

25 THE VIDEOGRAPHER: 15.

1 MR. CROSS: So this is going to be Exhibit  
2 17.

3 (Exhibit 17 was marked for  
4 identification.)

5 Q. (By Mr. Cross) You can ignore the cover  
6 sheet. That's from my --

7 A. All right.

8 Q. -- prior deposition.

9 So this is Tab 20, Exhibit 17. So this is  
10 a compilation of screenshots from video, some of  
11 which is on the outside, some of which is on the  
12 inside.

13 A. Okay.

14 Q. But if you look here, if you look to the  
15 first page, you'll see that this is dated from  
16 December 11, 2020. Do you see that along --

17 A. Yes.

18 Q. -- the top?

19 And so this is the day where Frances  
20 Watson and others from the Secretary's Office came in  
21 and met with Misty Hampton, Tony Rowell, and others,  
22 as part of that original 250 investigation.

23 A. Yes, sir.

24 Q. Okay. And the individual there who's  
25 coming in, he -- he's got a badge or a seal on his

1 shirt, long-sleeve blue shirt. Is that Josh  
2 Blanchard?

3 A. Correct.

4 Q. Okay. Mr. --

5 A. And the one in front of him is Pam, and  
6 the two behind are Tom Feehan and Scott -- I'm  
7 totally blanking on his last name -- both from  
8 Dominion.

9 Q. So and I was going to ask. So the woman  
10 in front of him is Pamela Jones?

11 A. Correct.

12 Q. And then who's the one on the left behind  
13 Blanchard?

14 A. That's Scott.

15 Q. Scott Tucker?

16 A. Yes. Thank you. I couldn't remember his  
17 last name to save my life.

18 And then Tom Feehan.

19 Q. How do you spell Tom's last name?

20 A. F-E-E-H-A-N.

21 Q. They're both with Dominion?

22 A. Correct.

23 Q. And then if you come to the next page,  
24 same day, 30 minutes later, that's Frances Watson at  
25 the front door, right?



1 A. Correct.

2 Q. Is it customary for your investigators to  
3 come to an investigation like this carrying a  
4 firearm?

5 A. Absolutely. They are -- They are sworn  
6 officers. They -- I have to buy ammunition and guns  
7 for them through my COO. They are always -- They  
8 are always armed.

9 Q. But Mr. Blanchard is not?

10 A. I don't know. He may -- He may have an  
11 ankle on. I couldn't tell you.

12 Q. Okay. All right. Still in Exhibit 17 --

13 A. What page number? I can get there.

14 Q. That's what I was going to get you to. Go  
15 to -- All right. Go to Page 4.

16 A. From January 18th, 2021?

17 Q. Correct.

18 A. Okay.

19 Q. Do you recognize that individual?

20 A. I think I've been told who he is, but no.  
21 I don't personally recognize him.

22 Q. Have -- Have you been told that's Doug  
23 Logan?

24 A. Okay. That -- That comports what I was  
25 told, I believe.

1 next day, on January 20, we have Josh Blanchard  
2 returning to the elections office.

3 Do you see that?

4 A. Yes.

5 Q. Why was Josh Blanchard in the elections  
6 office on January 20?

7 A. He was there to pick up the statements  
8 that I referenced earlier from Misty Hampton, the  
9 signed statement saying that I have, never did, never  
10 will commit voter fraud.

11 So I see he comes in at 9:50 and leaves  
12 9:52. Then comes back in. No. That's at 9:59.  
13 That's right.

14 Now back in. There was your time period.  
15 I don't know.

16 He was there on that day to get that  
17 statement. I talked to him directly about that.

18 Q. Okay. All right. Flip to Page 35, if you  
19 would, still on Exhibit 17.

20 A. (Witness complies with request of  
21 counsel.)

22 Q. So we get to Page 35.

23 A. Yes.

24 Q. Do you see there's a screenshot of Jeffrey  
25 Lenberg coming into the elections office on January

1 26, 2021 at 7:35 a.m.?

2 A. Yes.

3 Q. Then on Page 36, you see him make it into  
4 the nonpublic area and --

5 A. On Page -- Is that Page 36?

6 Q. 36.

7 A. So it's 10:35 a.m.

8 Q. Right.

9 A. Okay.

10 Q. Yeah. And then if you go to Page 37, half  
11 an hour after Mr. Lenberg comes into the office, Josh  
12 Blanchard shows up again.

13 A. Uh-huh.

14 Q. Do you see that?

15 A. Yeah. I'm trying to think now. These  
16 dates were so close together, 'cause I talked to Josh  
17 about both of these items.

18 And I think the first one, he's supposed  
19 to get it. She didn't have it ready or something.  
20 The second one's when he actually got it, so I think  
21 in my mind it was the 26th when he actually picked it  
22 up.

23 So I misspoke earlier, the 20 -- I think  
24 his intent was to pick it up, because he was down  
25 there; and they had been --

1           When I talked to Pam and Frances, they had  
2           been kind of badgering her to get that to them,  
3           the -- the -- the wet-signature version of it versus  
4           just anything else, which was her statement asking,  
5           you know, never committed fraud ever before.

6           Q.       Okay.

7           A.       So maybe he didn't have it ready; or I  
8           don't know what was going on, on the 20th; but I  
9           think -- think the 26th, when he physically picked it  
10          up.

11          Q.       Where -- Where does Mr. Blanchard live?  
12          Where is he stationed?

13          A.       South of Atlanta, if memory serves; but he  
14          does -- He goes through this area. This is kind of  
15          his go-to sort of route.

16                  If you look at his logs which, you know,  
17          they basically show where he drives and does stuff,  
18          there was another case down here of -- I think, what  
19          was it -- vote buying in Douglas that he was  
20          investigating, so when he was doing that, he went  
21          by and -- one of these two times for that purpose.

22          Q.       Okay. So we have Mr. Blanchard. He comes  
23          in --

24                  Is it Agent Blanchard?

25          A.       What did we call him?

1 David there.

2 It's all right. It's all right. We'll  
3 keep it back.

4 MR. CROSS: All right. But you have the  
5 audio?

6 All right. We're good. Okay.

7 THE COURT REPORTER: It will be there.

8 MR. CROSS: You're fine.

9 MR. KNAPP: We've got the Rock over here.

10 MR. BROWN: No. That's all right.

11 THE COURT REPORTER: Geez.

12 MR. BROWN: We're good.

13 THE WITNESS: Can we smell what he's  
14 cooking now?

15 Did anybody get that Rock reference I  
16 said?

17 THE COURT REPORTER: Oh, no.

18 MR. CROSS: You good?

19 THE COURT REPORTER: Yeah.

20 MR. CROSS: Okay.

21 Q. (By Mr. Cross) All right. So let's just  
22 pick up where we were. So Page 37, Exhibit 17 --

23 A. Yeah.

24 Q. -- Josh Blanchard comes into the election  
25 office around 11:07 a.m. on January 26th of 2021.

1 A. Uh-huh.

2 Q. And then the next page. About a minute  
3 later, he makes it into the public area, where he's  
4 talking to Misty Hampton.

5 Do you see that?

6 A. Is that 11:08?

7 Q. Yes.

8 A. Okay. Yeah.

9 Q. So we can tell from Pages 35 to 37 on  
10 through 38, 39, 40 that Josh Blanchard is in the  
11 elections office at the very same time Jeffrey  
12 Lenberg is there.

13 A. Yes.

14 Q. And if you go to Page 40 -- and -- And  
15 you can see that Mr. Blanchard goes into Misty's  
16 office with him on Page 40.

17 Do you see that?

18 A. Yes.

19 Q. And do you understand there's a window  
20 from her office into that -- that main area?

21 A. I know that only from the videotape.

22 Q. All right.

23 A. Yes.

24 Q. And so then while Mr. Blanchard is sitting  
25 in Misty Hampton's office with a window into this

1 area, we see Jeffrey Lenberg walk out in that main  
2 area on Page 41 --

3 A. Uh-huh.

4 Q. -- at January 26, 2021 at 11:08 a.m.  
5 Do you see that?

6 A. Yes.

7 Q. So even though this spans several pages,  
8 if you look at the timestamps, you can see it all  
9 happens within a matter of seconds at 11:08 a.m.

10 A. Yes.

11 Q. And then Mr. Lenberg comes back in at Page  
12 43, only about a minute later at 11:09 a.m.

13 A. Okay.

14 Q. And then Josh Blanchard leaves the office  
15 at Pages 45 and 46 at 11:12 a.m.

16 Do you see that?

17 A. I'm trying to get there.

18 I say 'cause I see Mr. Lenberg come back  
19 through the office, but doesn't go to Misty's office.  
20 He goes further back somewhere else.

21 Q. Yes.

22 A. And then about two and a half minutes  
23 later, Mr. Blanchard walks out the other door.

24 Q. Okay. So did Mr. Blanchard not see  
25 Jeffrey Lenberg when he was there?

1           A.       I talked to him and asked him the  
2       question.

3                   He goes, I don't recall seeing anybody  
4       there.

5                   And I want to put some perspective on  
6       this. It's not like there's a wanted poster of  
7       election deniers to be looking for, for our  
8       investigators. Our -- We weren't of that mind-set.  
9       He was there to get a document from Misty so --

10                  And, again, one thing I can't possibly  
11       know is I don't know where he was standing with that  
12       window. He could have been standing with his back to  
13       the door, to the window. There's no -- There's no  
14       telling on that front so --

15                  But no. He says he doesn't recall seeing  
16       anybody; and if he does, he says it's -- I could  
17       have seen somebody. It's just been months ago. I  
18       don't remember anything standing out in my mind that  
19       there was anything there. Just bizarre happenstance.

20                Q.       So he -- So okay. So but Mr. Blanchard  
21       does not recall seeing Jeffrey Lenberg in the office  
22       that day?

23                A.       No.

24                Q.       Okay. And --

25                A.       And one of the things when I discussed it



1 A. Same one. Okay.

2 I put it back together. Sorry.

3 Q. That's okay. This is the last one.

4 A. All right.

5 Q. If you flip to Page 53 --

6 A. Yes.

7 Q. -- you see the picture of Jeffrey Lenberg  
8 walking in, holding a box in front of his face?

9 A. Yes.

10 Q. And you notice that -- I don't know if you  
11 can tell but that's a ring light. Have you ever seen  
12 a ring light?

13 There's actually -- There's actually one  
14 in the office right in front of you.

15 A. I see that there's a symbol of what looks  
16 like a ring light, but I couldn't say for certain  
17 that is a ring light.

18 Q. Okay. Well, sorry. I was going to ask  
19 you. Are you aware of whether any investigation  
20 that's been done into what Mr. Lenberg brought with  
21 him that day and what he used it for?

22 A. Not that I'm aware of specific. It looks  
23 like he used it as an umbrella right here, 'cause it  
24 was raining.

25 Q. Or maybe to hide his face from the camera;

1 but you know, so --

2 A. So many times, I doubt he was doing that.  
3 Just, again, it's raining --

4 Q. You're --

5 A. -- so --

6 Q. -- the one that said earlier they're not  
7 rational actors.

8 A. Okay. Point taken.

9 Q. But you're familiar with people using the  
10 ring cameras to light up videos like a Zoom video?

11 A. Yeah. Usually, when they're talking to  
12 the camera, that's what the ring is intended for.

13 Q. Are you aware any investigation by the  
14 State or anyone else to determine whether Mr. Lenberg  
15 or anyone else created any kind of video while they  
16 were in the Coffee County Election Office?

17 A. I'm not specifically aware; but, again,  
18 the GBI has taken lead on this, so they would be the  
19 people to have the discussion with; and since it's an  
20 active investigation, I doubt they'd answer.

21 Q. Yeah. Okay. Now I probably know the  
22 answer, but I'll ask it.

23 Are you aware of any investigation into  
24 whether there was any kind of Internet-based  
25 broadcast from the county -- Coffee County Elections

1 Office in January of 2021, a video?

2 A. Investigation of that time period? Now --

3 Q. Yes.

4 A. -- at that time period?

5 Q. Correct.

6 A. Okay. I'm not aware of one; but, again,  
7 this is in GBI's hands right now, so I think that  
8 would be something that would probably fall into that  
9 purview.

10 Q. Are you aware that Mike Lindell flew into  
11 Coffee County on -- late on the night of February  
12 25th of 2021?

13 A. No.

14 MR. TYSON: I'll object to the form and  
15 scope.

16 THE WITNESS: No.

17 Q. (By Mr. Cross) That's not something you  
18 heard before today?

19 A. I just have a vague recollection of  
20 somebody saying Lindell was around; and, again, I put  
21 it in the pocket of crazy town stuff so --

22 Q. Yeah. Unfortunately, we all seem to be  
23 living in the world of crazy town.

24 All right. Let me give you Exhibit 18 I  
25 think.

1 Q. (By Mr. Cross) So are you aware that  
2 SullivanStrickler took the data that they copied from  
3 the election equipment in Coffee County in January of  
4 2021 and loaded that onto a ShareFile site on the  
5 Internet?

6 A. It was an FTP, I believe. That's my  
7 understanding. Yes.

8 Q. Yeah. It's -- It's a third-party company  
9 that's provides a cloud service called ShareFile?

10 A. Yeah. Yes.

11 Q. Okay. What can you tell me about any  
12 investigation by the State into who had access to  
13 that data?

14 MR. TYSON: If you know.

15 THE WITNESS: Who had access specifically,  
16 I'm not sure how far that got.

17 I did have a specific conversation around  
18 the Poll Pad data that was uploaded with Mr.  
19 Persinger and just about the security around  
20 that and what was in it, because there were --  
21 there were some public claims that PII had been  
22 released and was out in the wild, so that was --

23 That was the extent of it; and basically,  
24 that it was -- It was already encrypted, and  
25 then that SullivanStrickler put another

1 encryption on top of that. So we said like a  
2 brute force even trying to get through that  
3 would take 20 to 40 years, just trying to do a  
4 regular breakthrough.

5 Because there was one set of encryptions  
6 for the actual thing itself, and then  
7 SullivanStrickler put another level of  
8 encryption on it themselves, so it had taken two  
9 different encryption keys to get to the actual  
10 data itself on there, and that the actual data  
11 file's somewhat smaller on what would have been  
12 the normal data file for the whole thing, if I  
13 remember correctly.

14 That was the main thing that I -- I was  
15 concerned about at the time. I said do we have  
16 any way of knowing about this. Regardless of  
17 what individuals attempted to download it, could  
18 be it be viewed; and was there PII.

19 And in the 2020 election, there was no  
20 real PII on there. No driver's license numbers,  
21 no Social Security numbers. There were full  
22 dates of birth, but, again, they were behind two  
23 levels of encryption would require two different  
24 encryption keys.

25 Like I said, brute force would have taken

1 decades to get through.

2 MR. BROWN: Or the password.

3 THE WITNESS: Or the password.

4 Q. (By Mr. Cross) So just to break that  
5 down, when Mr. Persinger said he had found in the  
6 data that -- that SullivanStrickler obtained from the  
7 Poll Pads included dates of birth, was there any  
8 other PII?

9 A. No. That's not what he concluded.

10 Q. Oh.

11 A. We knew that. I'm saying --

12 Q. Oh, oh. Oh, I see.

13 A. -- from what we load, there was no  
14 driver's license. There was no Social Security. The  
15 only thing would be the full dates of birth, and we  
16 would use that to do the -- the matching at the  
17 poll -- at the polling location.

18 Q. Has the Secretary's Office, Mr. Persinger,  
19 or otherwise examined the SullivanStrickler data to  
20 determine what, if any, PII was on that -- that -- in  
21 their data set?

22 MR. TYSON: And I'm going to instruct you  
23 not to answer as to work product anything that  
24 the communications the attorneys and Mr.  
25 Persinger.

1 THE WITNESS: Then I'm not comfortable  
2 answering that at all, because I think --

3 We knew from our end the only thing  
4 available would have been what I just described,  
5 that there was no other thing on a Poll Pad to  
6 give. Only the Poll Pads only received that  
7 stuff as they are separate and apart from the  
8 voter registration system.

9 THE COURT REPORTER: Give me a second.

10 MR. CROSS: Sure.

11 THE COURT REPORTER: Okay.

12 MR. CROSS: Okay?

13 THE COURT REPORTER: Okay.

14 THE WITNESS: Duncan causing problems.

15 Q. (By Mr. Cross) Do you know whether anyone  
16 has determined if dates of births for voters were  
17 included in the SullivanStrickler dataset?

18 A. I don't know if they had independently of  
19 that, but the data on the Poll Pads would have had  
20 the full date of birth. That's the statement I'm  
21 making.

22 Q. Got it. Okay. And just to talk about the  
23 encryption, you said there's an original encryption  
24 that's on the Poll Pads themselves, right?

25 A. It's native to the Poll Pad environment.

1 Yes.

2 Q. But you understand that Miss Hampton  
3 provided the passwords for all of the equipment that  
4 SullivanStrickler copied, right?

5 A. Yes.

6 Q. Okay. And then you said there's a second  
7 level of encryption from SullivanStrickler. But you  
8 understand that SullivanStrickler provided log-in  
9 information to a variety of people?

10 A. I have no way of knowing that.

11 Q. You're not aware that SullivanStrickler  
12 provided log-in information to Doug Logan and Jeff  
13 Lenberg?

14 A. When you say a number of people, I know  
15 that they were part of that. I'm using it -- I'm  
16 using that as -- as a single unit, as opposed to --  
17 In my mind, my big concern was out in the wild versus  
18 people we already knew who have it kind of thing, and  
19 they can break it down.

20 I -- I see what you're saying, but  
21 essentially, my -- my -- I was asking the question  
22 of: Could Random Person X go get this and then get  
23 into all that stuff who -- who might have even worse  
24 intentions potentially?

25 That was like -- that was -- That was the



1 nature of my questioning of Mr. Persinger on that  
2 front.

3 Q. You were talking to Mr. Persinger about  
4 someone who would not have either the original  
5 passwords for the Poll Pads or the SullivanStrickler  
6 log-in credentials?

7 A. The -- the -- The back-to-back part of  
8 that, yes.

9 Q. Okay.

10 A. And all the -- I also had talked to David  
11 Greenwalt, who's with Poll Pad, so we could all kind  
12 of meet to -- I would be talking my election  
13 administrative language. He could talk technical  
14 language, election administrative, and -- and  
15 technical --

16 THE COURT REPORTER: I'm sorry.

17 THE WITNESS: -- to technical.

18 Sorry.

19 THE COURT REPORTER: He could talk?

20 THE WITNESS: He could talk -- Mr.  
21 Persinger could talk technical language to Mr.  
22 Greenwalt. Mr. Greenwalt could translate  
23 technical language to -- election kind of  
24 technical language to my election understanding  
25 so that we were not talking past one another.

1           Persinger. Say this is what this does. This is  
2           what that does kind of thing.

3           Q.       (By Mr. Cross) Okay. What is Mr.  
4           Greenwalt's first name?

5           A.       David.

6           Q.       David. Can you tell me when KNOWiNK was  
7           first alerted to the unauthorized access in Coffee  
8           County?

9           A.       I can probably go back and look, but it  
10          would have been around all the same time we finally  
11          figured out, so probably July-August range in that --

12          Q.       Okay.

13          A.       -- I believe when they first would have  
14          known.

15          Q.       Of this year?

16          A.       Yes.

17          Q.       Do you know when Dominion first learned  
18          about the breach in Coffee County?

19          A.       Again, I'm making the assumption it'd be  
20          around the similar time that we discovered it, which  
21          would have been that July; and then it was coming off  
22          of July 4th holiday; and then we had to confirm. It  
23          was somewhere in that range of probably mid to late  
24          July.

25          Q.       Okay.

1           A.       Although I think it was relatively  
2       quickly. We said, guys, we -- There is a situation  
3       that we've discovered from our own internals. Look  
4       at this.

5           Q.       Well, right, I mean, we -- we know --  
6                    I guess what I was trying to figure out  
7       when -- when Nicole Nollette came in on April 11th,  
8       was she there, in part because of the -- the  
9       unauthorized access concerns that had come to light  
10      with the Scott Hall call?

11          A.       She wasn't there because of that itself.  
12      She added on something else to her trip. She was  
13      doing work with Fran Leathers, who had been hired  
14      as -- as a Dominion rep, and they were going -- doing  
15      some sales calls and stuff.

16                  So she was there then. While you're here,  
17      can you see if you can get into this thing, because  
18      of the claim that we saw in the -- come out of the  
19      deposition that I did.

20          Q.       Do you know whether anyone in the  
21      Secretary's Office or at their direction has talked  
22      to Dominion about whether they were aware of the  
23      breach earlier than that?

24          A.       I don't -- When we had discussions, I  
25      mean, about this, as I said, starting from when it

1 was first brought to us in February, at the end of  
2 February, our position was given the people involved  
3 and the claims involved, this seemed like it was  
4 another false flag --

5 Q. Uh-huh.

6 A. -- fake pile of stuff.

7 So we said, hey, this claim is there. Run  
8 it up the flagpole, so, you know, it out there kind  
9 of thing; but it was sort of a -- I will tell you  
10 that we didn't think there was probably anything  
11 there, given that the people involved and --

12 So we said be aware of it; but, again, we  
13 need to go through the investigation to show this, so  
14 that's why we need to get into the server. So that  
15 was kind of -- They were in that same timeframe.

16 It was like okay. Let's look into this,  
17 'cause this is a real thing. We've got -- have to  
18 look at it now, because it's been claimed publicly in  
19 a way that's, you know, even though we know the  
20 players here have -- have been historically full of  
21 crap. So it was Scott Hall and -- and then, of  
22 course, with Miss Marks, and then knowing --

23 I didn't understand at the time; but,  
24 again, our take on it was it's probably -- We have  
25 to go through this investigation to show that nothing

1 happened and -- Or and if it did, then we need to  
2 really know, so that was kind of our position we were  
3 in at that point.

4 Q. Right. And sorry. And I was asking a  
5 narrower question, which is: Do you know whether  
6 anyone has -- anyone has spoken to anyone at Dominion  
7 to determine whether they have any knowledge about  
8 the potential breach before the Scott Hall call was  
9 disclosed to you guys?

10 A. I lost the script on that question. My  
11 point in saying it that way was we all kind of had  
12 the same indication.

13 And I believe our relationship with  
14 Dominion would be like, well, we had heard some --  
15 They would have said something to us had they been  
16 aware, but a specific question was not asked of like  
17 have you heard about this before --

18 Q. Uh-huh.

19 A. -- because that's not how you communicate  
20 something like that with a partner on something on  
21 that sort of front.

22 Q. No. I -- I -- I get that you -- you  
23 expect that they would have told you. But I just  
24 want to make sure that you're not aware of any  
25 communications anyone for the Secretary's Office with

1 anyone with Dominion asking the question -- did you  
2 have any inkling or awareness of the breach before  
3 the Scott Hall call?

4 A. The specific question phrased that way in  
5 that timeframe, no. But I'm not going to say we were  
6 laughing about it to a degree, but that's sort of the  
7 tone. You're saying like, god, it's another one of  
8 these damn things. At least that's sort of -- That  
9 was sort of the tone of conversation.

10 And if it had been something different, I  
11 believe it -- my --

12 If we asked the question and they had said  
13 no, that would be one thing; but if we discussed it  
14 and they said no, that would have been, if they did  
15 know, then a lie by omission, because I believe --

16 But I don't -- I don't believe that is  
17 the case, and so it didn't occur. Say, hey, did you  
18 know about this beforehand so --

19 Q. Do you know whether Dominion has ever  
20 threatened any litigation against Coffee County or  
21 the Board of Elections involving the breach?

22 A. I do not know.

23 Q. Do you know whether there's been any --  
24 any invest -- we --

25 Take a step back. You were talking about

1 earlier about whether there could be access to the --  
2 the Coffee County data, the Dominion data that was  
3 loaded to the SullivanStrickler ShareFile site. You  
4 talked that through with Mr. Persinger.

5 Are you aware of any investigation into  
6 whether that type of access has occurred?

7 A. Specifically, I talked to Persinger about  
8 one specific part of that. Not about all of it.

9 I've asked the question through our -- or  
10 through legal counsel; and I said, well, if the --  
11 If there was a level of encryption put around the  
12 Poll Pad was it put around the other --

13 THE COURT REPORTER: I think there was  
14 a --

15 THE WITNESS: A level of encryption put  
16 around the Poll Pad data, could not have been  
17 the same thing done for the other stuff.

18 And then they said we don't know. That's  
19 part of the overall look that's being done.  
20 GBI's on this now, so at that point, I'm kind of  
21 cut off from knowing anything beyond that.

22 Q. (By Mr. Cross) I see. So as you sit here  
23 today, you're not aware of any investigation that's  
24 been done --

25 Putting aside whatever the GBI is doing,

1 you're not aware of any investigation that's been  
2 done into whether the third parties, meaning someone  
3 other than authorized by SullivanStrickler, so  
4 someone other than SullivanStrickler saying here's  
5 your log-in credentials --

6 A. Uh-huh.

7 Q. -- whether someone else gained access to  
8 the Dominion software that sat on their shelf, I'll  
9 say.

10 MR. TYSON: Object to form.

11 You can answer.

12 THE WITNESS: Not from our side. But,  
13 again, GBI's taking lead on this.

14 Q. (By Mr. Cross) Right.

15 A. We're -- I don't -- Like we're kind of  
16 like not supposed to be doing anything else on this  
17 front, because they are the lead.

18 Q. Okay.

19 A. So even if we wanted to right now, there's  
20 a process that's underway right now.

21 Q. Have -- Has anyone at the Secretary's  
22 Office examined the uploaded download file that  
23 SullivanStrickler provided for that -- that ShareFile  
24 site?

25 Have you seen that?



1           A.       I have not.

2                   And, again, you say the Secretary's  
3       Office. I believe attorneys may have. Mr.  
4       Persinger, who's obviously our person on that, may  
5       have; but I -- I -- I put a bright line between the  
6       people that we're -- like our attorneys and those  
7       guys doing it versus the Office doing it.

8           Q.       All right. Let me hand you --

9                   MR. CROSS: We're at 19?

10                  THE VIDEOGRAPHER: Yes, sir.

11                  THE WITNESS: I believe that's correct.

12           Yeah.

13                  MR. KNAPP: Yeah.

14                   (Exhibit 19 was marked for  
15       identification.)

16           Q.       (By Mr. Cross) Exhibit 19. This is Tab  
17       25.

18           A.       And you expect me to read this.

19           Q.       It is hard to see, but not really. No.  
20       I don't.

21                   So Tab -- Exhibit 19 is the report --  
22       Well, let me take a step back.

23                   There are two different things  
24       SullivanStrickler gave us. This is the download  
25       upload report for the ShareFile site, and you can see

1 at the top --

2 A. And then it goes backwards basically, it  
3 looks like.

4 Q. Yes. That's correct. And seriously,  
5 SullivanStrickler was unable to explain this. But  
6 you'll see the most recent date is February 26.

7 A. Yes.

8 Q. There's a lot of magic around that date,  
9 the same day Misty Hampton's -- Jil Riddlehoover are  
10 abruptly let go. The same day Mike Lindell flies in.  
11 I think it also may be the same day or pretty close  
12 to the same day that the surveillance video ends; and  
13 then, of course, this report ends.

14 Do you know whether anyone has  
15 investigated what, if anything, may have happened  
16 around or shortly after February 26th, for example,  
17 whether somebody else got access to the office that  
18 we don't yet know about?

19 A. Not that I'm aware of yet.

20 Q. Okay.

21 A. And you --

22 MR. TYSON: Go ahead. Finish your answer.

23 THE WITNESS: But, again, you -- you're  
24 putting these dates together like they were  
25 magic when sometimes they are coincidental.

1 Q. And I gather, apart from whatever the GBI  
2 may now be doing, you're not aware of any  
3 investigation into what Doug Logan uploaded to the  
4 ShareFile site?

5 A. Again, so this is out of our hands at this  
6 point, so no.

7 Q. But this wasn't something that was  
8 investigated before the GBI? That's what I'm getting  
9 at.

10 A. Well, if you look at the timeline on the  
11 GBI on that front, essentially, we were getting ready  
12 to -- Scott -- It's not Scott. If I can get his  
13 name straight. Steven Ellis. We were set up with  
14 Sara and two other investigators to go down and begin  
15 doing more of the stuff.

16 And then GBI basically said, if we're  
17 going to do this, go ahead and stop; and once we did  
18 the request, they said to stop doing everything else.

19 So in fact, it may have been part of the  
20 long-term thing, that the first thing, they would do  
21 was to go down there, now that we've gotten some of  
22 this information, and start trying to do that.

23 Q. And that directive from the GBI, was  
24 that -- was that in August of this year or September?

25 A. It would have been probably August, I

1 think, because our initial plan was to go down. If  
2 memory serves, they were going to go down from August  
3 8th to 11th, if memory serves from the discussions I  
4 had, so it was after the request.

5 And basically, I said okay. Y'all just --  
6 We've got this now.

7 Q. Were you aware that in addition to the  
8 ShareFile site where the Dominion data was  
9 distributed over the Internet, SullivanStrickler also  
10 sent that data out on hard drives on at least two  
11 occasions?

12 A. No. I was not.

13 Q. Let me hand you Exhibit 20.  
14 (Exhibit 20 was marked for  
15 identification.)

16 Q. (By Mr. Cross) And that is Tab 31.  
17 So Tab 31 is one of the e-mails that Paul  
18 Maggio produced to us pursuant to a order of the  
19 Court; and if you'll look at the top, you'll see it  
20 says Paul Maggio -- it's from Paul Maggio to  
21 Federalattorney@protonmail, copying Greg Freemeyer,  
22 also, SullivanStrickler on April 27th of 2021.

23 Do you see that?

24 A. Yes, sir.

25 Q. And if you come down to the middle of the

1 if I asked you before the break. Are you -- before  
2 whatever --

3 Again, sort of putting aside the GBI  
4 investigation, whatever may be going on there --

5 A. Yeah.

6 Q. -- are you aware of any investigation into  
7 who the recipients were for any hard drives  
8 SullivanStrickler sent the Dominion data on?

9 A. No. We haven't done that --

10 Q. Okay.

11 A. -- yet.

12 Q. All right. All right. Take a look at  
13 Exhibit 21, if you would; and this is Tab 26.

14 So this is an e-mail from my --

15 THE WITNESS: Hold on a second.

16 MR. CROSS: Oh.

17 THE WITNESS: You got it? Duncan causing  
18 problems again.

19 MR. BROWN: Mentor. Mentor's things.

20 Q. (By Mr. Cross) But this is my -- This is  
21 an e-mail from my mentor, the person that made me  
22 what I am --

23 MR. CROSS: You may not want to take  
24 credit for this.

25 THE WITNESS: Is that credit or blame?

1 received log-in credentials from SullivanStrickler  
2 for the ShareFile site that had the Dominion data on  
3 there, that they would sometime share those log-in  
4 credentials with other folks?

5 Have you heard that before?

6 MR. TYSON: I'll object to form.

7 THE WITNESS: No.

8 Q. (By Mr. Cross) So you've not heard --  
9 You've not heard before today of a Ben Cotton --

10 Well, let me back up. Are you familiar  
11 with Ben Cotton?

12 A. Yes.

13 Q. You understand Ben Cotton is someone who's  
14 testified that he actually did analysis of the  
15 Dominion software obtained from Coffee County?

16 A. Yes.

17 Q. And were you aware that he testified in  
18 his deposition that he was provided SullivanStrickler  
19 log-in credentials by Jim Penrose, meaning he said he  
20 used Jim Penrose's credentials to get access to the  
21 site?

22 A. As a specific, I wasn't aware; but it  
23 comports with what I understand. Yes.

24 Q. Okay. So, again, putting aside whatever  
25 the GBI may be doing, are you aware of any

1 investigation into the sharing of the log-in  
2 credentials from SullivanStrickler with individuals  
3 SullivanStrickler had not authorized to access that  
4 site?

5 A. Again, given the timing of this, no.

6 Q. Okay. So one of the things that occurred  
7 in the -- the breach in January of 2021 was also  
8 scanning of ballots, paper ballots. Were you aware  
9 of that?

10 A. Yes.

11 Q. And were you aware that an external  
12 scanner, generic scanner was brought in to help with  
13 that?

14 A. No. I was not aware of that. Or I might  
15 have been aware of it, but I don't recall being aware  
16 of that.

17 Q. Are you aware of any --

18 Again, putt aside the GBI, are you aware  
19 of any investigation into the involvement of Cathy  
20 Latham or anyone else to bring a generic scanner into  
21 the office for the purpose of scanning ballots in  
22 January of 2021?

23 A. There -- In that time window there, I  
24 believe that there was some discussion around that;  
25 and going back to a -- a certain part of this, I do

1 not -- I'm not sure that these were actual ballots.  
2 They were ballot types, or I don't know if they were  
3 the actual ballots from those things, because that  
4 would have required getting them at that point, since  
5 it should have already been transmitted, I believe --  
6 the timing's close -- to the Superior Court, so I  
7 don't know if they were live ballots or not.

8 Similar like to the video that Misty had  
9 made where she used basically dummy ballots or  
10 ballots of older elections to kind of show off some  
11 of those things.

12 So, again, I don't know the answer to  
13 that.

14 (Exhibit 22 was marked for  
15 identification.)

16 MR. CROSS: All right. 22?

17 THE VIDEOGRAPHER: Yes.

18 Q. (By Mr. Cross) All right. Let me hand  
19 you Exhibit 22. This is Tab 43.

20 Actually, sorry.

21 A. Uh-huh.

22 Q. Do you recognize -- sorry -- Exhibit 22 as  
23 an e-mail, a cover e-mail attached to a -- a draft --  
24 well, I don't know if it's a draft -- attached to an  
25 engagement agreement for forensic collection and



1 preservation in Spalding County for

2 SullivanStrickler?

3 A. Yes, sir.

4 Q. And the date on the agreement is August  
5 17, 2021.

6 Do you see that?

7 A. And it comports with the date of the  
8 e-mail itself. Yes.

9 Q. Right. What can you tell me about any of  
10 investigation into the circumstances of  
11 SullivanStrickler potentially being engaged to do  
12 forensic collection of voting software and data in  
13 Spalding County?

14 A. An investigation has been opened. Once  
15 this was brought to light, it was sent to the State  
16 Election Board Chairman. He brought it to our  
17 attention. I believe we gave you the -- the case  
18 number for it earlier when we checked in with our  
19 office.

20 I know it is ongoing. I don't want to  
21 speak to where they are in it, 'cause I don't know  
22 specifically to say yes or no.

23 But so far, says it doesn't appear that  
24 anything happened at this point; and again, it's my  
25 understanding that the county attorney basically, for

1 lack of a word, put a kibosh on this once they were  
2 kind of asked about it. That's my understanding of  
3 where it is, but they're going to verify and see who  
4 saw all of this.

5 Q. What's the name of that county attorney?

6 A. I do not recall.

7 Q. Okay. When did the Secretary's Office  
8 first learn about this effort?

9 A. As I understand it, when it was sent to  
10 the State Election Board Chairman; and he brought it  
11 up. I don't know if it was at -- It was before the  
12 meeting, he informed us about the -- He had  
13 questions about this, and so I couldn't speak to  
14 exactly when it was, but it was sometime, give or  
15 take a week or so, before --

16 I mean, it would have been in September  
17 probably; or late August, early September would be my  
18 understanding of how that occurred.

19 Q. So how did -- how did the Secretary's  
20 Office first learn that there was a -- a possible  
21 compromise or breach in Spalding County?

22 A. I don't think we did learn there's a  
23 possible compromise or breach.

24 We learned that SullivanStrickler was  
25 talking to the -- the elections board about this and

1 their elections director.

2 Q. Right. And sorry. I don't want to trip  
3 over the language. Let -- Let me just ask another  
4 question.

5 Whatever is -- Whatever's contemplated in  
6 Exhibit 22, with SullivanStrickler, however one wants  
7 to describe it, how did the -- Well, how did the  
8 Secretary's Office first learn about that?

9 A. When the documentation was -- 'Cause I  
10 understand it was the documentation was sent to the  
11 election board chairman.

12 Q. How did the electric board chairman get  
13 that documentation?

14 A. Via e-mail, I believe.

15 Q. From whom?

16 A. I don't recall the individual, but it's  
17 basically saying this is an issue I'm concerned with,  
18 and he sent it up there.

19 We can find out. I just -- I'm not sure  
20 who it was. It was someone in Spalding County,  
21 obviously; but I couldn't tell you who exactly.

22 Q. So someone alerted -- Is it Judge  
23 Duffey --

24 A. Yes. Correct.

25 Q. -- in -- in September of this year?

1 A. Yeah. I -- I couldn't speak when he got  
2 it; but, I mean --

3 Q. I see.

4 A. -- it might have been late August, early  
5 September; but I remember discussing it early  
6 September, I believe, was the first time I heard  
7 about it; but, again, the days are going to be kind  
8 of tight up on each other for that.

9 Q. Okay. And so Judge Duffey received the  
10 e-mails here and the cover and the engagement  
11 agreement and then alerted the Secretary's Office and  
12 the GBI, and there's now an investigation?

13 A. I know he alerted our office. I'll make  
14 an assumption he alerted the GBI.

15 Q. I see.

16 A. I don't know.

17 Q. Okay. I was going to ask.

18 Do you know -- It's something you don't  
19 know, but I'll ask.

20 A. Uh-huh.

21 Q. Do you know whether the GBI itself is also  
22 investigating whatever circumstances were  
23 contemplated in Exhibit 22?

24 A. No, sir.

25 Q. Okay. You just don't know one way or the

1 other?

2 A. I just don't know one way or the other.

3 Q. Okay. It -- A couple quick questions on  
4 this.

5 A. Uh-huh.

6 Q. If you look at the e-mail from Ben  
7 Johnson, to Roy McClain --

8 A. Is that the very first one on Page 1?

9 Q. Yes, sir.

10 A. Okay.

11 Q. It states iPhones - retrievable but  
12 costly - these would fall under litigation hold, but  
13 as long as we don't wipe them or use them, the data  
14 is there.

15 Do you understand that -- I mean, from  
16 what we've been able to tell -- And you can go  
17 through the e-mails. Do you have any insight into --  
18 into what litigation was pending against the County  
19 for -- for the effort that was contemplated here?

20 A. Honestly, I don't know. I think  
21 there's --

22 From from my reading of it, it looks like  
23 they are comporting all state litigation. There  
24 should be litigation holds on everything, but they --

25 They look like they were referencing

1 something specific, but I don't know what it is.

2 I mean, on some levels, some of this looks  
3 like legitimate discussions between elections board;  
4 and it's kind of saying, well, how do we do what we  
5 need to do in a proper way.

6 Well, these guys seem like they -- they  
7 know what they're doing, and I don't know where that  
8 relationship started. I would love to be able to  
9 know where that relationship started, on what side,  
10 if somebody found a business card, or they had  
11 reached out at some point.

12 But, again, I'll tell you my own -- in my  
13 brain, I say this could have been somebody trying to  
14 say how can we justify it properly to do something  
15 like this; and that was where being around this stuff  
16 and watching people act, that's my gut reaction; but  
17 I -- I can't prove that one way or the other. There  
18 has to be an investigation, which our office is  
19 doing.

20 Q. For -- For a county to copy voting --  
21 Dominion software from voting equipment, would it  
22 require State authorization for that?

23 MR. TYSON: I'll object to form.

24 Answer, if you know.

25 THE WITNESS: I believe so, but I do know

1           this. That if they do something like that, it  
2           could then interfere with a potential  
3           warranting of the --

4           Q.       (By Mr. Cross) Uh-huh.

5           A.       -- equipment as well, which would be a not  
6           smart thing to do.

7                   Whether it's a specific violation of SEB,  
8           I think it is. I'm pretty sure it is.

9                   But I -- I don't want to say it  
10          specifically. Yes. Absolutely it is.

11                  But sort of in the universe of data  
12          security and EMS security, nobody, third party is  
13          supposed to be brought into those things, into the  
14          EMS area without authorization.

15                  So yeah. Yes. I can -- I can say that  
16          pretty straightforwardly.

17          Q.       And -- and --

18          A.       Sorry to talk myself through the process  
19          to get there.

20          Q.       And fair to say that the events, as -- as  
21          you know them currently that -- that played out in  
22          Coffee County at the elections office in January of  
23          2021, the access we know that was -- that occurred  
24          there and the copying, all of that would have  
25          required authorization by the State?

1 in what order, and how do we set the questioning up  
2 so that we can make sure that they're telling the  
3 truth or not telling the truth. I mean, this was all  
4 essentially followed so -- .

5 And then we have contact with GBI. We  
6 contacted GBI. I mean, can you have some arguments  
7 about timing and what took so long on some of these  
8 things versus other stuff? Sure. But this looks to  
9 me like it was essentially followed.

10 So you're saying we didn't follow it. I'm  
11 saying we did.

12 Q. So when Chris Harvey learned about the  
13 Cyber Ninjas card and ask for an investigation by  
14 Miss Watson into whether there had been unauthorized  
15 access at that time, were you or Mr. Germany alerted  
16 to that?

17 A. Not that I recall. But, again, it was a  
18 little "i" investigation, as we pointed out before.  
19 Just kind of look into it and see what's there,  
20 'cause you have to triage some of these things given  
21 the volume of what we had.

22 Q. We talked about Ben Cotton before. He  
23 also testified that he analyzed Dominion's software  
24 from Fulton County.

25 Do you know what investigation, if any,



1 ballots in and of themselves are more easily hackable  
2 in terms of low tech ways of doing it, ballot  
3 stuffing.

4 Part of the reason we got to a lot of  
5 these computerized things, if you looked at the  
6 history of why we went to voting machines is to avoid  
7 those kind of situations.

8 Q. But the scalability --

9 A. It's --

10 Q. -- is massively different. We agree on  
11 that, right?

12 A. It --

13 Q. The scalability of an attack on  
14 hand-marked paper ballots --

15 A. No. I don't agree on that, 'cause, again,  
16 if all -- all the suppositions in Dr. Halderman's  
17 things essentially say a lot of if, then; if, then;  
18 if, then to get to that point of huge scalability.

19 My contention is it is much more  
20 detectable, even with all those things. There's so  
21 many pieces and processes and the RLAs, and I know he  
22 says we only have one mandated RLA every two years.

23 I think that's too few. The Secretary  
24 thinks that's too few. We've tried to argue the last  
25 two times in legislation we need more auditing in the

1 law. We're trying to look at now can we do it by  
2 rule. We're -- We're having a discussion.

3 Q. Well, can't the SEB or the Secretary do as  
4 many audits as they want? It doesn't have to be  
5 mandated by --

6 A. The Secretary can't just tell a county to  
7 go do it. You have to have some legal authorization  
8 to do it.

9 So my point is we can't -- we can't --  
10 the -- The chief elections officer can't just make  
11 things up for them to do. We can't just say from now  
12 on, you're doing this. You have to go through the  
13 rule making.

14 So like I said, we're having discussions  
15 about how do you construct an SEB rule to do this and  
16 how do you structure it best, because my point on the  
17 RLAs is I think it's crazy to only do one every two  
18 years, because if you're doing ballot batching and  
19 all the necessary steps for that.

20 If you do every two years just to do it;  
21 you need to do it every single election, whether it's  
22 a special, a primary -- I don't care -- a runoff.  
23 You have to go through the process so you get the  
24 muscle memory back. There's enough human beings at  
25 the county level to do those things.

1           what I said, I would think you'd have a hard  
2           time finding anyone who does that who would  
3           disagree with what I said.

4                     And I have to use the restroom again. I  
5           apologize.

6                     MR. CROSS: Okay. And I'm almost done, so  
7           we can take a break.

8                     THE WITNESS: Okay. Okay.

9                     THE VIDEOGRAPHER: We're going off the  
10          record at 3:53.

11                    (Recess from 3:53 p.m. to 4:13 p.m.)

12                    THE VIDEOGRAPHER: We're on the record at  
13          4:13.

14           Q.        (By Mr. Cross) Mr. Sterling, there were a  
15          few things you were going to follow up on at the  
16          break. What can you share?

17           A.        The county attorney name in Spalding is  
18          Stephanie Windham.

19           Q.        Uh-huh.

20           A.        Some further detail on Spalding. When we  
21          became aware of that in -- I think it was August  
22          19th.

23                     MR. TYSON: August of 2021.

24                     THE WITNESS: August of 2021, Chris Bellew  
25          got an e-mail from Kim Slaughter --

1 MR. TYSON: Uh-huh.

2 THE WITNESS: -- who's the elections  
3 director. The details were a little off to us  
4 originally, 'cause that's -- we can't be ready  
5 for certification next week. Can we do it the  
6 week after, 'cause we're bringing in an IT to  
7 image all this stuff.

8 And Chris got that and sent it to Michael,  
9 and Michael reached out. No. No. You're not  
10 doing that. You can't do that. It's like what  
11 the hell are you talking about?

12 So --

13 Q. (By Mr. Cross) That's Michael --

14 A. -- we were aware of that.

15 Q. -- Michael Barnes?

16 A. Michael Barnes. So we were aware of that.

17 Now SullivanStrickler did not become a  
18 thing until the SE -- sorry -- the SEB chairman knew  
19 about that, and this was around the time --

20 We believe when she said certification in  
21 her e-mail, she meant acceptance, essentially,  
22 interchanging the two things.

23 Of the server, we were going to replace  
24 because Ben Johnson, who was the chair down there,  
25 had gotten on a phone call with Ryan and Michael as

1 basically spouting a whole bunch of stuff; and they  
2 both said okay. Rather than try to -- We were going  
3 to go down and recertify the one. Rather than do  
4 that, let's just change it out. Take his talking  
5 point away, and then move on to the next thing.

6 And the county attorney also, we believe,  
7 Ryan talked to them; and they said yeah. We're  
8 not -- We're not going to do that. No. So it kind  
9 of went away, so that was kind of off our radar a  
10 while.

11 And SullivanStrickler was not in any of  
12 that correspondence. It was just an IT firm, so that  
13 was where that came from.

14 Q. Okay.

15 THE WITNESS: Was there anything else we  
16 were --

17 MR. TYSON: Chain-of-custody forms.

18 THE WITNESS: Oh, yeah. Chain-of-custody  
19 forms for transfers, for county transfers  
20 started being used officially in September of  
21 2022. The first one was coming over to move  
22 that stuff from that WSB interview that I did.  
23 That was the first time they were required.

24 The forms existed, but they weren't  
25 required before. Now they are required, so they

1           were used also for the Coffee County transfer as  
2           well of all the equipment, besides the stuff  
3           that was sent back in the previous summer.

4           Q.       (By Mr. Cross)   So the Secretary's Office  
5           now has chain-of-custody forms that it completes when  
6           it transfers or replaces voting equipment in the  
7           state?

8           A.       Yes.

9           Q.       And that started last month?

10          A.       Yes.

11                   Now we had the -- Well, actually, we had  
12           documentation; but it wasn't the form that we use.  
13           Now we're saying, hey, use the form; and we have the  
14           other documentation as well.

15          Q.       The other documentation's is the L&A  
16           testing?

17          A.       Correct.

18          Q.       And then did you mention -- You said you  
19           did an interview? You said something about an  
20           interview.

21          A.       Oh, for the very -- the very first use of  
22           the form was I was doing a interview for Channel 2 to  
23           explain this is how the system works. Then we had to  
24           move stuff from the Sloppy Floyd Building over to the  
25           Capitol Building to make -- to set -- to set it up

1 and use it for that.

2 MR. CROSS: Okay. Okay. Let me just go  
3 ahead and mark --

4 Hand me another copy, if you will.

5 MR. KNAPP: Here's another copy from me.

6 Q. (By Mr. Cross) -- Exhibit 24.

7 (Exhibit 24 was marked for  
8 identification.)

9 MR. TYSON: Okay.

10 Q. (By Mr. Cross) And this is an article.  
11 It looks like it was just published by "Rolling  
12 Stone" --

13 A. Five hours ago. Or when it was printed.

14 Q. -- yeah -- concerning --

15 A. Six hours ago.

16 Q. -- concerning the Spalding County issue we  
17 were talking about. So the article's entitled,  
18 Pro-Trump Officials Plotted to Swipe Voting Data. We  
19 Caught Them." It's published by Justin Glawe,  
20 G-L-A-W-E, in "Rolling Stone" today about five or six  
21 hours ago.

22 A. So I'm assuming this is not part of  
23 production beforehand.

24 Q. No. No. Mr. Knapp, as in the Internet  
25 sleuth he is, found this today.

1           So I think you answered my questions,  
2       because it sounds like you've got better information  
3       than you had before.

4           A.     Uh-huh.

5           Q.     But if you turn to Page 3.

6           A.     The 3 of 9 marking?

7           Q.     Yes.

8           A.     Yes.

9           Q.     So if you look at the third full paragraph  
10       begins in all caps, "IN AUGUST 2021..."

11          A.     Yes.

12          Q.     It states, "IN AUGUST 2021, a pair of  
13       Spalding County officials were concerned about an  
14       upcoming Georgia effort to verify that their election  
15       system was in good order after the board discovered  
16       security issues on county equipment.   A  
17       representative sent by Secretary of State  
18       Raffensperger was coming to Spalding County to test  
19       the voting machines..."   And it goes on from there.

20               And then if you turn to --

21          A.     And let me stop you right there.   We read  
22       this into the thing.   It says, "... after the board  
23       discovered security issues on county equipment..."

24               That is not my understanding.   They had  
25       security concerns because the door had been unlocked.



1 They didn't know, and that's what we were going down  
2 there to look at and prove.

3 Q. I was going to ask you what the security  
4 issue were. So that your understanding is the  
5 security issues that's addressed here that Spalding  
6 County had was that a door was unlocked in the county  
7 elections office?

8 A. And people could have access to it, and  
9 she -- I -- I believe --

10 I don't know how he knew this or what  
11 he -- where this came from. This is Ben Johnson,  
12 their chair, basically saying that the previous  
13 person left -- left it, you know, with password and  
14 maybe --

15 He just didn't know. That he knew it was  
16 unlocked. He knew there were people telling him  
17 that, so he didn't know, and that was his concern.  
18 I'm boiling down a lot of discussion, but that's the  
19 main part of it.

20 Q. So the concern was that public bad actors,  
21 whomever could have had access, to the equipment, to  
22 the passwords; but they didn't know for sure one way  
23 or the other?

24 A. Again, other doors were locked, so it  
25 would have been county employees, but not county

1 employees should necessarily have access. That's my  
2 understanding of how the discussion went.

3 Q. If you turn to Page 5 of 9, there's a  
4 sentence here. There's quotes with the word "NOT" in  
5 caps. Do you see that?

6 A. "'Do NOT..." Okay.

7 Q. Right. And here it says do NOT allow an  
8 IT company -- not is in all caps --

9 A. Uh-huh.

10 Q. -- to image or conduct any activity on  
11 voting equipment, an office staffer told Slaughter on  
12 August 18. That is NOT allowed, not in all caps.

13 And if you read the preceding paragraph,  
14 you'll see the office staffer there is referred to  
15 the Secretary's Office.

16 A. Yes.

17 Q. Is it your understanding that -- that is a  
18 message that came from Michael Barnes?

19 A. From what I discussed, yes.

20 Q. Yeah. Okay. Okay.

21 MR. TYSON: Mr. Evans and Mr. Barnes.

22 Yeah.

23 THE WITNESS: Was Mr. Evans?

24 Okay. Both of them. The director Blake  
25 Evans and Michael Barnes.

1 a serious kind of conversation.

2 Again, it may be my own -- what's the  
3 word -- prejudices based around Mr. Hall and  
4 what he had done, but that was kind of how I  
5 took it.

6 So my curiosity wasn't overly done. It's  
7 like, oh, he's trying to bolster his claim by  
8 saying something actually happened and kind of a  
9 being tangential to that.

10 Q. (By Mr. Brown) I've got just a few  
11 documents here to go over.

12 Now before I go to some of those  
13 documents, in response to what you've learned, given  
14 what we know now about what happened in Coffee  
15 County, has the Secretary issued any reports to the  
16 counties relating to how they need to enhance their  
17 security?

18 A. Well, again, they don't -- I don't think  
19 most counties need to enhance it I basically think  
20 we -- for lack of a better word --

21 Q. You're answering -- You're explaining a  
22 no answer.

23 A. Oh, sorry. No. I'm trying to get to it.  
24 I'm trying to think of what we've done. I know we've  
25 done some -- not -- Not a report.

1 A, no. There's been no report.

2 Q. Okay. Please explain.

3 A. Essentially, 'cause we're still  
4 investigating, so we can't really do a report; but we  
5 said, look. And, again, this is from discussions  
6 through the liaisons, through Blake Evans and those  
7 guys. Follow the law. Use your logs. Make sure  
8 your stuff's secure. Follow the rules we have in  
9 place.

10 Because if Misty had followed the rules in  
11 place and followed the law, we wouldn't be in the  
12 situation, so there's not like a new thing other than  
13 don't be sloppy, you know, 'cause sloppiness can lead  
14 to some of the things. But this wasn't sloppy. This  
15 was intentional.

16 Q. I understand. You're describing things  
17 that might have been said to the counties.

18 A. I believe --

19 Q. What was told --

20 A. Sorry.

21 Q. -- to them?

22 A. I believe that there was in a -- I know  
23 in May of '21, so post this, I don't know if we've  
24 done a buzzPost. I think -- I have to go back and  
25 check. I believe there was some buzzPost, which is

C E R T I F I C A T E

STATE OF GEORGIA:

COUNTY OF FULTON:

I hereby certify the foregoing transcript was taken down, as stated in the caption, and the questions and answers thereto were reduced to typewriting under my direction; that the foregoing pages 1 through 434 represent a true, complete, and correct transcript of the evidence given upon said hearing, and I further certify that I am not of kin or counsel to the parties in the case; am not in the regular employ of counsel for any of said parties; nor am I in anywise interested in the result of said case.

This, the 17th day of October, 2022.

S. JULIE FRIEDMAN, CCR-B-1476